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ACTS

OF THE

HONOURABLE COMMISSION OF GOVERNMENT OF NEWFOUNDLAND 1937.

ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.

1937

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ACTS

OF THE

HONOURABLE COMMISSION OF GOVERNMENT OF NEWFOUNDLAND

1937.

PASSED IN THE FIRST YEAR OF THE REIGN OF HIS MAJESTY
KING GEORGE VI.

His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, Knight
Commander of the Most Exalted Order of the Star of India, Com-
panion of the Most Honourable Order of the Bath, Companion of
the Distinguished Service Order, Governor and Commander-in-
Chief in and over Our said Island of Newfoundland and its
Dependencies.

534000
27.2.52


ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.

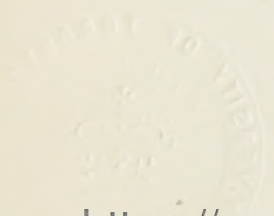
1937.

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NEWFOUNDLAND



AN ACT TO AMEND THE REVENUE (GASOLINE REBATES) ACT, 1935.

[14th January, 1937]

SECTION

1. Increase of rebate on gasoline used in the fisheries.

SECTION

2. Date of coming into effect.

*Be it enacted by the Governor, by and with the advice of A.D. 1937.
the Commission of Government, as follows:*

1. Section 4 of the Act No. 19 of 1935, entitled "An Increase of rebate on gasoline used in the Prosecution of the Fisheries," is hereby amended by striking out the signs and figures "\$0.07" and substituting therefor the signs and figures "\$0.11" and by striking out the signs and figures "\$0.09" and substituting therefor the signs and figures "\$0.13."

2. This Act shall take effect as from the first day of January A.D. 1937; provided, however, that the payment or rebate on gasoline used prior to said January 1st, 1937, shall be the same as heretofore enacted.

Date of coming into effect.

AN ACT FURTHER TO AMEND CHAPTER 51 OF
THE CONSOLIDATED STATUTES (THIRD
SERIES) ENTITLED "OF NUISANCES AND
MUNICIPAL REGULATIONS".

[5th April, 1937]

SECTION

1.—Amendment of Cap. 51
Consolidated Statutes
(Third Series).

36. Proclamation to bring
impounding provisions
into force.

37. Impounding of stray-
ing animals.

38. Powers of impound-
er.

(1) Pounds.

SECTION

(2) Destruction of
diseased, etc.,
animals.

(3) Redemption of
animals.

(4) Sale of animals
unredeemed.

39. Protection of im-
pounder.

40. Fees.

41. Appointment of im-
pounders.

A.D. 1937.

*Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:*

Amendment
of Cap. 51
Con. Statutes
(Third Series).

1. Chapter 51 of the Consolidated Statutes of New-
foundland (Third Series) entitled "Of Nuisances and
Municipal Regulations" is hereby amended by adding the
following sections thereto:

Proclamation
to bring
impounding
provisions
into force.

36. The Governor and Commission may by proclama-
tion bring into force and apply to any town,
settlement, place or district described in such
proclamation the provisions of the following
sections; and thereupon the said provisions
shall have the force and effect of law in such
town, settlement, place or district.

Impounding
of straying
animals.

37. If in any such town, settlement, place or dis-
trict any horses, cattle, sheep, swine or
other domestic animals be found straying or at
large in any street, road, public way or public
or open place the same may be seized by any
person and delivered to the impounder to be
dealt with in accordance with Sections 38 to 40
of this Chapter.

38. Any such impounder shall have the following Powers of impounder.
powers:

- (1) He may establish and maintain a pound or Pounds.
pounds for the detention and keeping of
any animals impounded by him.
- (2) If in his opinion any animal delivered to Destruction of diseased, etc., animals.
him should be destroyed he may apply to
the stipendiary magistrate resident in the
place or area in which the impounder has
authority to act, or if there shall be no
such stipendiary magistrate or in his ab-
sence or illness to a resident justice of the
peace, or if no such justice of the peace
shall be available then to the senior resi-
dent police officer for permission to de-
stroy it. Any such stipendiary magis-
trate, justice of the peace or senior police
officer to whom any such application shall
be made, on hearing the impounder and
making such further investigation, if any,
as he may think fit, may, if in his opinion
any such animal is so diseased or injured
or vicious or in such condition that it
ought to be destroyed, or is of a value less
than the probable fees and expenses of its
impounding, keeping and sale, order it to be
destroyed forthwith, and may make such
order as he deems fit as to the disposal
of the carcass or hide; whereupon the im-
pounder may forthwith destroy the animal
and dispose of same in the manner ordered.
- (3) Where an animal has been impounded and Redemption of animals.
no order made for its destruction as afore-
said, the impounder, if the owner shall be
known to him, shall forthwith notify such
owner and the owner may at any time before

the sale hereinafter mentioned, redeem the same on proof of his ownership of the animal and upon payment of all fees and expenses in connection with the impounding and keep of the animal.

Sale of animals
unredeemed.

- (4) The impounder shall keep any unclaimed or unredeemed animal in pound for such period, not less than three days, as he shall in his discretion think fit, and after the expiration of such period shall offer such animal for sale by public auction; and if the animal be sold shall deduct from the price such fees and expenses, and pay over the balance, if any, to such resident stipendiary magistrate, justice of the peace or senior police officer for the use of the owner. Should there be no purchaser at such auction the impounder may forthwith destroy the animal. Two days' notice of such sale shall be given by the impounder, to be served upon or left at the residence of the owner of the animal, if he shall be known to the impounder and shall be resident in the place or area in which the impounder has authority to act. In other cases the notice shall be posted in some conspicuous place at the pound. Notices shall be in, or substantially in, the form in the schedule hereto.

Protection of
impounder.

39. No owner of any animal impounded, sold or destroyed under the provisions of this Chapter shall have any action or claim against the impounder or any other person in respect of anything done bona fide under the provisions of this Chapter whether or not there shall have been any irregularity or want of form in carrying out the provisions of this Chapter.

40. Impounders appointed under this Chapter shall ^{Fees.} be entitled to the following fees to be paid by the owners of animals seized or impounded, or out of the proceeds of any sales of such animals, viz:

For seizing or impounding an animal \$2.00

For each day during which an
animal is held in pound..... .50

For a sale—including notice of sale 2.50

All actual expenses for necessary
food and veterinary treatment, if
any, for an animal impounded.

41. Impounders under this Chapter may be appointed by any stipendiary magistrate resident in the ^{Appointment} town, settlement, place or district to which of impounders. this and the four immediately preceding sections shall become applicable, the authority of the Commissioner for Justice being first obtained; or if there shall be no such resident stipendiary magistrate, by the Commissioner for Justice.

SCHEDULE**Form of Notice of Sale**

Notice is hereby given that the undersigned will offer for sale by public auction at the pound in
 on the day of A.D. 193 , at o'clock, the
 following animal (s) impounded therein viz:
 unless the same shall be redeemed meantime. Such sale
 shall be subject to (a) reserve price(s) sufficient to cover
 impounder's fees and all costs and charges of impounding
 and keeping the said animal (s).

.....

Date

Impounder.

AN ACT FURTHER TO AMEND THE NEWFOUND-
LAND SAVINGS BANK ACT, 1934.

[10th May, 1937]

1.—General Reserve Fund.

*Be it enacted by the Governor, by and with the advice of A.L. 1934,
the Commission of Government, as follows:*

1. Section 13 of the Newfoundland Savings Bank Act, ^{General} 1934, is hereby repealed and the following substituted ^{Reserve Fund.}
therefor:

13. (1) The profits of the bank now existing, and such as shall arise from time to time, shall be paid into a general reserve fund.

(2) The said general reserve fund shall be paid over to and invested by and managed, on behalf of the Bank, by the Crown Agents for the Colonies, subject to the general directions of the Governor of Newfoundland in Commission.

(3) No withdrawal from the said general reserve fund shall be made save with the approval of the Governor in Commission on the recommendation of the Commissioner for Finance.

(4) The said general reserve fund shall as and when profits are available be brought to an amount equal to twenty per cent. of the deposits in the Bank. For the purposes of this sub-section the deposits and the general reserve fund shall be compared as at the thirtieth day of June in each year. When and so long as the said general reserve fund

shall stand in the required proportion to the deposits on the thirtieth day of June then last past, the Commissioner for Finance may direct that any of the profits not being in his opinion likely to be required for the business of the Bank be paid over to the Consolidated Revenue Fund for the use of the Colony; provided that nothing in this sub-section shall be deemed to authorize any reduction of the general reserve fund.

AN ACT FURTHER TO AMEND THE CROWN
LANDS ACT, 1930.

[10th May, 1937]

*Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:*

1. Sub-section (f) of Section 2 of the Crown Lands Act 1930 is hereby amended by inserting after the words “any combination of the aforementioned elements with themselves or with any other elements” the words “but excluding calcium sulphate or gypsum” and by removing the bracket sign after the words “with any other elements” and inserting it after the word “gypsum”.

AN ACT FURTHER PARTIALLY TO SUSPEND THE
OPERATION OF CHAPTER 156 OF THE CON-
SOLIDATED STATUTES (THIRD SERIES) EN-
TITLED "OF THE EXPORT AND SALE OF
BAIT FISHES."

[10th May, 1937]

SECTION 1—Further suspension of restriction on export, etc., of
herring.

*Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:*

A.D. 1937.

Further
suspension of
restriction on
export, etc.,
of herring.

1. During the period between the first day of June
A.D. 1937 and thirty-first day of May A.D. 1939, inclusive,
none of the provisions of Chapter 156 of the Consolidated
Statutes (Third Series) shall apply to herring, anything
in the said Chapter to the contrary notwithstanding.

AN ACT FOR ADMINISTERING CERTAIN OF THE LOCAL AFFAIRS OF DEVELOPING SETTLEMENTS

[12th July, 1937]

SECTION

1. Interpretation.
2. Order creating local government area.
3. Publication of order.
4. Constitution and proceeding of local Council.
5. Term of office.
6. Contracts.
7. Actions, notice of.
8. Regulation of own proceeding.
9. Annual accounts.
10. Limitation of expenditure.
11. Audit.
12. Control of building, sanitation and water supply.
13. Penalty.
14. Removal of building, etc., erected otherwise than under permit.
15. Discovery and removal of nuisances.
16. Destruction of burnt, dilapidated or dangerous building.
17. Prohibition of use of unsafe water supplies.
18. Expropriation of property,

SECTION

19. Arbitration.
20. Roads, streets and bridges.
21. Breaking of streets, erection of scaffolding, etc.
22. Fencing.
23. Establishment and maintenance of sewers, water supplies, etc.
24. Right to enter and survey.
25. Right to enter and construct sewers, etc.
26. Right to enter to maintain and repair works.
27. Diversion of watercourse.
28. Claims for damage.
29. Regulations.
30. Rates.
31. Taxes preferential.
32. Taxes to bear interest when in arrears.
33. Taxes, when to be payable.
34. Prohibition of exemption.
35. Exemption from tax.
36. Powers of expenditure.
37. Penalties.
38. Investigations.
39. Short Title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1 In this Act:

Interpretation.

- (a) "Commissioner" means the Commissioner for Home Affairs and Education.
- (b) "Council" means the local council appointed for any area under this Act.

- (c) "Area" means a local government area established under this Act.
- (d) "Building" shall include structures of all kinds, and excavations preparatory to building.
- (e) "Privy" shall include privies, latrines, septic tanks, cess-pits and all other like places or arrangements for the disposal of night soil or like matter.
- (f) "Water supply" shall include wells and all other natural sources of or artificial arrangements for the supply of water for domestic purposes.

Order creating
local govern-
ment area.

- 2. (1) It shall be lawful for the Governor in Commission by Order to declare any area in Newfoundland, outside the boundaries of any municipality, to be a local government area.
- (2) The Governor in Commission may, if and when he thinks fit, make regulations prescribing the conditions under which an area may be declared to be a local government area and such regulations shall be published in the Newfoundland Gazette and shall have effect as from a date to be specified in said regulations, or if no such date be specified, from the date of the publication of same.

Publication of
order.

- 3. (1) The Order in Commission shall define the area in question by precise boundaries; and the boundaries may be altered by similar Orders in Commission from time to time.
- (2) Every Order in Commission so made shall be published in the Newfoundland Gazette and

shall have effect as from such a date as may be specified in the Order, or in default of such Order, from the date of publication.

4. (1) Upon the definition of a local government ^{Constitution} area the Governor in Commission may by ^{and proceeding} Order in Commission appoint a local Council ^{of local} Council.
for the area consisting of not less than three nor more than five residents of the area; and such Order shall state the name by which the said Council shall be known. The members, or any of them, so appointed may be removed and others appointed instead thereof by the Governor in Commission, or in case of vacancies from any other cause, members may be appointed to fill such vacancies by the Governor in Commission from time to time by Order in Commission published in the Newfoundland Gazette.
- (2) Such Council shall be a corporation having perpetual succession and a Common Seal, and be capable of suing and being sued by its corporate name.
- (3) The Governor in Commission shall appoint the Chairman of the Council and the Council may appoint one of its members to be vice-chairman and one to be secretary and convener.
- (4) A majority of the members shall be a quorum at meetings of the Council.
- (5) The Council may, subject to the approval of the Commissioner, appoint such officers and servants as it may deem necessary for the conduct of its business and shall from time to time

fix the remuneration of such officers and servants.

- (6) The chairman shall cause meetings of the Council to be called when requested to do so by any member of the Council, and at any other time he may deem necessary by giving each member of the Council not absent from the area notice in writing of the time and place of meeting. The chairman shall preside at all meetings of the Council and enforce order; his decision on all points of order shall be final. The chairman shall keep or cause to be kept regular minutes of the meetings; he shall see that all reports and accounts are prepared annually and forwarded to the Commissioner not later than the first day of February in each year; he shall also prepare interim or special reports and accounts and forward same to the Commissioner upon being required so to do. The vice-chairman shall perform the same functions in the absence of the chairman.

Term of office.

5. (1) The Council shall hold office for a period of two years and any new member appointed to fill a vacancy shall hold office for the remainder of the term of two years then current.
- (2) The Governor in Commission shall appoint a new Council for the area every two years and the members of the Council whose term of office has expired shall be eligible for reappointment.

Contracts.

6. All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the Chairman of the Council shall, when duly authorised, affix the seal and sign

the deed or document and all contracts not under seal when duly authorised by the Council shall be signed by the Chairman.

7. No action shall be commenced against a Council for Actions, notice of anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the Chairman, or to the Vice-Chairman, or left at the place of meeting of such Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly contained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

8. The Council shall have power to regulate its own Regulation of own proceedings. proceedings.

9. The Council shall furnish to the Commissioner, not later than the first day of February, in each year, a full Annual accounts. and detailed account of its receipts and expenditures during the preceding calendar year.

10. The Council shall not have power to incur, enter Limitation of upon or contract or become liable for any expenditure or indebtedness beyond or in excess of the amount of its actual receipts or revenue, without having previously received the express sanction or authority of the Governor in Commission. expenditure.

11. The accounts of the Council shall be subject to audit Audit. by the Comptroller and Auditor General and for that purpose the auditor shall have authority to call for all books and vouchers which he deems necessary to enable him properly to audit any such accounts, and he shall perform his duties as such auditor in St. John's or in such other place in Newfoundland as he may deem most convenient.

CONTROL OF BUILDING

Control of
building,
sanitation and
water supply.

12. (1) From and after the date upon which the order for the appointment of a Council comes into effect no person shall within the area—

- (a) commence any building;
- (b) extend or repair any existing building;
- (c) build, construct or make any privy or sewer;
- (d) make or use any water supply

save under and in accordance with the terms of a permit in writing from the Council.

- (2) The Commissioner may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by him to be necessary to secure the orderly and sanitary development of the area.
- (3) Every permit given by a Council shall be subject to such rules or regulations for the time being applicable and a copy of such said rules or regulations shall be attached to the permit.
- (4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted", with the date or any other matter prescribed by the Council.

13. If any person shall commit a breach of any of the ^{Penalty.} provisions of the foregoing section he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

14. (1) If any building shall be erected or commenced to be erected, or any extension shall be added ^{Removal of building, etc., erected otherwise than under permit.} to any existing building, or if any privy or sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made to any privy or sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid, the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.
- (2) If the order of the Council issued under the authority of the provisions of sub-section (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner as a debt due to the Crown at the suit of the Council.
- (3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or

in default of payment to imprisonment for a period not exceeding three months.

- (4) If the owner, builder, or maker of any such building, privy or sewer or water supply cannot be found in the area the Council may cause such building, privy, sewer or water supply to be pulled down, filled in or otherwise destroyed, as the case may be, and the cost thereof may be recovered from the owner as a debt due to the Crown at the suit of the Council.

CONTROL OF SANITARY CONDITIONS

Discovery and
removal of
nuisances.

15. (1) The Council or any person appointed by the Council for that purpose may open and enter or may authorise a constable to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.
- (2) If the order made by the Council under the provisions of sub-section (1) of this section shall not be complied with, or so far complied with as the Council may regard as reasonable, within the time specified in the order then such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of the execution of the said order may be recovered from the owner or occupier as a debt due to the Crown at the suit of the Council.

- (3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.
16. (1) The Council or any person appointed by the Council may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council adjudge the same to be a nuisance and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.
- (2) If the order of the Council issued under the authority of the provisions of sub-section (1) of this Section is not complied with, or is not so far complied with as the Council may regard as reasonable, within five days after the service thereof or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner as a debt due to the Crown at the suit of the Council.
- (3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

- (4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the area, the Council may cause such building or dwelling to be pulled down, and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner as a debt due to the Crown at the suit of the Council.

Prohibition of
use of unsafe
water supplies.

17. The Council may prohibit the use for domestic purposes of water from any natural source which they consider dangerous to health.

EXPROPRIATION

Expropriation
of property.

18. Whenever it shall be deemed necessary to expropriate any land or property for the use of the Council or of the public, the same may be acquired with the prior permission in writing of the Commissioner in the manner following:

- (1) The Council by a person or persons duly authorized for that purpose may ascertain and delimit the land or property to be expropriated, and for such purposes such person or persons shall have the right to enter on any land or property to ascertain and measure and obtain the description of same.
- (2) The Council shall then give the owner of the land or property notice in writing of the proposed expropriation and invite him to treat for compensation.
- (3) In the event of the owner and the Council being unable to agree as to the amount of compensation, such amount shall be settled by arbitration as hereinafter provided.

- (4) The measure of compensation shall be the value of the expropriated property to the owner thereof, without regard to the purpose for which it may be expropriated, after deduction therefrom of an allowance for any compensating advantages derived or to be derived by such owner from the proposed work or operations of the Council for the purposes for which such land or property was expropriated.
 - (5) Upon payment of the amount of compensation settled by agreement or fixed by arbitration the land or property shall become the property of the Council.
 - (6) The Council shall keep a full register of all expropriations, containing particulars of the land or property expropriated, the proceedings of arbitrations, and the sums paid by way of compensation.
19. (1) In all cases of arbitration the Council shall ^{Arbitration.} appoint one person, who shall not be a member of the Council, to be an arbitrator. The person preferring the claim shall appoint a second and the two chosen shall appoint a third, which three persons or any two of them shall determine the amount of compensation, if any, to be paid to the party making such claim. In case either party shall refuse or neglect to appoint an arbitrator or arbitrators within seven days' notice in writing from the other so to do, or in case the two chosen arbitrators are unable to agree upon the choice of a third arbitrator, it shall be lawful for the Commissioner upon the application of either party, to appoint an arbitrator for the party neglecting or refusing to make such appointment, or to appoint a third arbitrator, and

such arbitrator or arbitrators when so appointed shall have the same power in all respects as if appointed by either party, or by the two chosen arbitrators, as the case may be. And the said arbitrators may summon and require the attendance before them of all parties interested in the property or in the subject matter of the claim, and all necessary witnesses, and require the production before them of all deeds and papers requisite to establish the title or interest of any party making a claim, and may examine on oath all such parties or their agents and all such witnesses touching the matters to be enquired into by them. In cases where an award is less than one hundred dollars the fees of all three arbitrators shall be paid by the Council and the total amount of such fees shall be limited to fifteen dollars; and no plaintiff in any action against the Council or against any person acting under its authority for any act done in pursuance of this Act shall recover a verdict or judgment in such action or suit unless it shall appear to the judge at the trial that such plaintiff was prevented from having his claim adjudicated upon in the manner provided by this section by the wrongful act of the defendant Council or person.

- (2) In any case where the compensation awarded exceeds, or but for the setting off of compensating advantages against it, would exceed the sum of five hundred dollars, the arbitrators may allow the person whose property is taken, used or injuriously affected, the costs and expenses of any proceedings before them, such costs to be taxed by a Master of the Supreme Court before being paid.

- (3) Either the Council or the owner may within thirty days after the date of an award give notice of an appeal to the Supreme Court against the finding of the arbitrators upon any question of law or fact or upon the question of the amount of compensation. Costs in such appeal may be awarded for or against the Council at the discretion of the court.

STREETS AND ROADS

20. The Council shall have the control and management of all roads, streets and bridges within the area, other than highroads and the bridges thereon, and may appropriate any land for the purpose of making, extending or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration in manner hereinbefore set forth.

21. No person shall break up the soil of any street, or erect or place in any street, sidewalk, road or lane, any structure, without first notifying the Council of the purpose for which such breaking up or structure is required, and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to them to require.

22. The owner or occupier of every lot abutting on any street, lane, road, or other highway within the area shall fence in the same within thirty days after receiving notice to that effect from the Council, and shall keep and maintain such fence in repair to the satisfaction of the Council.

DRAINS AND SEWERS

Establishment
and mainten-
ance of sewers,
water supplies,
etc.

23. (1) Subject to the provisions of the rules and regulations made by the Commissioner under sub-section (2) of Section 12 hereof, the Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient, and to make by-laws and regulations respecting the same for the purpose of protecting and keeping such drains, sewers and water supply pipes free from obstruction, and to impose, subject to the approval of the Commissioner, and to collect and enforce payment of such charges or rates as the Council from time to time consider proper for the use of such drains and sewers and for the supply of water.

(2) The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along any street, and which the Council considers necessary for drainage purposes, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer, as may be agreed or determined by arbitration in the manner hereinbefore set forth.

Right to enter
and survey.

24. The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing,

maintaining or inspection of sewerage, drainage or any other works which the Council may be by this Act empowered to undertake or assume control of for the purpose of carrying into effect the provisions of this Act.

25. The Council, its engineers, officers, foremen, servants and labourers shall have the right to enter upon any Crown lands or upon the lands of any person whatsoever and into all houses, buildings, tenements and erections thereon whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing hereinbefore authorized and to break up, dig, excavate and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, construct and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

Right to enter
and construct
sewers, etc.

26. The Council, its engineers, officers, foremen, servants and labourers may enter upon Crown lands or the lands of any person whatsoever for the purpose of necessary rights of way across, over or under such lands and may enter upon, take and hold any of the said lands whenever the same may be required for the purpose of constructing, altering, maintaining or inspecting any sewer, drain, street, building or work of any kind that may be undertaken by the Council or that may become the property of or subject to the Council.

Right to enter
to maintain
and repair
works.

27. Subject to the provisions of the rules and regulations made by the Commissioner under sub-section (2) of Section 12 hereof, the Council shall have power to alter or divert any watercourse within the limits of the area for the purpose of the improvement of such watercourse or of the

Diversion of
watercourses.

sewerage of the town or settlement, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up said watercourse as may be deemed by the Council to be necessary and expedient, and the Council shall have power to enter upon all lands within the limits aforesaid, to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of said buildings and erections as may be necessary for the purposes of this Act: Provided the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him under the following section.

Claims for
damage.

28. All claims against the Council for damage that may be occasioned to any person whose interests may have been injuriously affected by the taking of lands or tenements or by the taking or diverting of any water courses or by the removal or alteration of any house, building, wharf or store or by the taking of any right of way over, under or through any land or by digging or excavating upon any land or for damage of any kind that may have been occasioned to any interested person by reason of the provisions of this Act shall, in default of agreement, be referred to arbitration.

LOCAL REGULATIONS

Regulations.

29. (1) Subject to the approval of the Commissioner, the Council shall have power to make regulations, applicable within the area, for dealing with the following class of subjects, and may from time to time amend or repeal any such regulations; that is to say—

- (a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;
- (b) for restraining and regulating the running at large or disposing of any animals and providing for impounding them, and for causing them to be sold, in case they are not claimed within a reasonable time;
- (c) for providing for places of deposit of ashes, rubbish and offensive matter of every kind, and for compelling the owners or occupants of property to keep their property clean and to remove all such ashes, rubbish and offensive matter to such places of deposit;
- (d) for the inspection of buildings with a view to the prevention of fires and accidents from faulty construction, or for want of repair or by reason of the unsafe arrangement of stoves, pipes and chimneys, and for compelling the owners or occupiers of houses and buildings to make such alterations and repairs as may be deemed necessary for the safety of the public;
- (e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health and safety;
- (f) for regulating the keeping of animals within the area and the places where the same may be kept;
- (g) for prohibiting the use of any form of, or any mode of management of, any baths,

water closets, soil-pans, sinks, cess-pits, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger the public health;

- (h) for regulating the closing hours of shops and other places in which goods are sold to the public, whether of specific kinds or generally, unless other provision is made by law for such regulation;
 - (i) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council;
- (2) The Council may prescribe a penalty not exceeding one hundred dollars, inclusive of costs, for the violation of any regulation made under the provisions of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulation as he deems fit.
- (3) Such regulations shall be made public either by insertion in a newspaper circulated in the locality or by poster or otherwise as the Council may direct.

REVENUE

Rates.

30. (1) There shall be paid by the owners of such real property (as hereinafter defined) within the limits of the area under the jurisdiction of the Council an annual tax to be fixed, levied and imposed by the Council whenever the Council

shall so decide and subject as to the rate thereof to the approval of the Governor in Commission. The said tax may be fixed, levied and imposed on any one or more or all of the classes of real property defined in sub-section 3 of this section.

(2) For the purpose of fixing such rates the Council may from time to time, but not less frequently than every three years, make assessments upon the basis of the capital value of the property to be rated. Such assessments shall be made by not less than two assessors appointed by the Council, subject to the approval of the Commissioner.

(3) The expression "real property" shall be held to refer to and include:

1. Land.

2. All buildings and any part of any building and all machinery and fixtures erected or placed therein or thereon in, over, under or affixed to land.

3. All structures and fixtures erected or placed upon, in, over, under, or which are affixed to any highway, land or other public communication or water.

31. All rates, taxes, assessments and other indebtedness due to the Council shall be preferential charges on the property of the person or company liable for the same ranking next after debts due to the Crown and shall be recoverable by summary proceeding before a stipendiary magistrate in the name of the Council. ^{Taxes preferential.}

Taxes to
bear interest
when in
arrears.

32. All rates, taxes and assessments shall bear interest at the rate of six per centum per annum which interest shall begin to run one year after such rates, taxes and assessments become due.

Taxes, when to
be payable.

33. All taxes, rates and assessments upon real property shall be payable half yearly in advance and shall be and become due on the first days of January and July in every year unless the Council shall determine otherwise.

Prohibition
of exemption.

34. No Council shall grant any exemption from taxes to any person, firm or company, and no contract, agreement or stipulation with any person, firm or company for any exemption from taxes shall be valid.

Exemption
from tax.

35. The following properties shall not be subject to taxation:

- (a) Lands and buildings belonging to His Majesty;
- (b) lands and buildings held and used for public worship;
- (c) lands and buildings used for educational purposes;
- (d) lands and buildings held and occupied by religious or charitable institutions, and used for religious or charitable purposes.
- (e) churchyards, cemeteries or burying-grounds.

Powers of
expenditure.

36. Subject to the provisions of Section 10 hereof, the Council shall have power to appropriate and pay out of the funds at its disposal salaries or remuneration to officers and employees of the Council and the general expenses of the Council and generally all other expenditures incurred in the execution of the powers and duties by law vested in the Council or its officers.

37. Every person convicted of a violation of this Act ^{Penalties.} or of any regulation made under this Act, for which no special penalty is provided, shall be liable on summary conviction to a fine not exceeding one hundred dollars, or in default of payment, to imprisonment for a period not exceeding three months.

38. The Commissioner shall have power by him- ^{Investigations.} self, or by any official thereto authorised by him, to investigate at any time the books, records and accounts of any council, and to inspect all work done or being done or to consider any work proposed to be done by any Council; and he may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by any council or any salary or remuneration paid or proposed to be paid by any Council or any resolution or decision either on the foregoing subjects or on any other subject passed or made by the Council; and any order made by the Commissioner under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Commissioner.

39. This Act may be cited as the Local Administration ^{Short title.} Act, 1937.

[12th July, 1937]

SECTION 1.—Supplementary Supply 1936-1937.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, temporarily authorized by the Governor in Commission by Special Warrants dated January 16th, 1937, March 11th, 1937, April 30th, 1937, May 20th, 1937, and May 27th, 1937, and issued under Section 33 (1) (b) of Cap. 23 of the Consolidated Statutes (Third Series), as amended by the Act No. 21 of 1935 entitled "Of the Auditing of Public Accounts", for the financial year ending the thirtieth day of June, One thousand nine hundred and thirty-seven, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:

A.D. 1937. *That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:*

Supplementary
Supply
1936-37.

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding \$1,292,257 (One million, two hundred and ninety-two thousand, two hundred and fifty-seven dollars), and the said sums so issued shall be paid and applied by the several Departments from the first day of July, one

thousand nine hundred and thirty-six to the thirtieth day of June, one thousand nine hundred and thirty-seven, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act.

SCHEDULE

<i>Head of Expenditure</i>	<i>Department</i>	<i>Amount</i>
II.	Finance	\$ 154,482
IV.	Posts and Telegraphs.....	39,705
VI.	Home Affairs	17,636
VII.	Education	30,156
VIII.	Justice	2,115
IX.	Natural Resources	67,904
X.	Public Works	245,721
XI.	Public Health and Welfare and War Pensions	517,255
XIII.	Colonial Development Fund.....	217,282
		<hr/> \$1,292,257

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[12th July, 1937]

SECTION 1.—Supply 1937-1938.

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, of which a part has been temporarily authorized by the Governor in Commission by a Special Warrant dated July 1st, 1937, which Warrant has been issued under Section 33 (1) (b) of Cap. 23 of the Consolidated Statutes (Third Series) as amended by 23 and 24 George V, Cap. 60 and further amended by the Act. No. 21 of 1935 entitled "Of the Auditing of Public Accounts," for the financial year ending the Thirtieth day of June One Thousand Nine Hundred and Thirty-Eight, and for other purposes connected with the Public Service.

A.D. 1937.

That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows.

MAY IT THEREFORE PLEASE YOUR MAJESTY :

Supply
1937-38.

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding \$9,855,958 (Nine million, eight hundred and fifty-five thousand, nine hundred and fifty-eight dollars), and the said sums so issued shall be paid and applied by the several

Departments from the first day of July, one thousand nine hundred and thirty-seven, to the thirtieth day of June, one thousand nine hundred and thirty-eight, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act.

SCHEDULE

<i>Head of Expenditure</i>	<i>Department</i>	<i>Amount</i>
II.	Finance	\$827,103
III.	Customs	287,944
IV.	Posts and Telegraphs	676,719
V.	Assessor	19,518
VI.	Home Affairs	38,974
VII.	Education	1,126,147
VIII.	Justice	590,629
IX.	Natural Resources	734,779
IX. (A)	Rural Reconstruction	754,124
X.	Public Works	1,470,085
XI.	Public Health and Welfare and War Pensions	3,116,661
XII.	Board of Liquor Control	54,265
XIII.	Colonial Development Fund	159,000
		\$9,855,958

AN ACT FURTHER TO AMEND THE REVENUE
(GASOLINE REBATES) ACT, 1935.

[27th July, 1937]

SECTION

1.—Amendment of Section 1
of No. 19 of 1935.

SECTION

2.—Amendment of Section 4
of said Act.

A.D. 1937. *Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:*

Amendment of
Section 1 of
No. 19 of 1935.

1. Sub-section (1) of Section 1 of the Act No. 19 of 1935 entitled "An Act for the Payment of a Rebate on Gasoline used in the Prosecution of the Fisheries" is hereby repealed and the following is substituted therefor:

(1) The expression "fishing boat" means a boat used for the purpose of fishing by a person gaining a substantial part of his livelihood thereby.

Amendment of
Section 4 of
said Act.

2. Section 4 of the said Act as amended by the Act No. 1 of 1937 is hereby further amended by numbering the said Section 4 as Section 4 Sub-section (1) and adding thereto the following as Sub-section (2).

(2) If any person, for the purpose of obtaining any repayment of or rebate in respect of the duties paid on gasoline, makes or causes to be made any statement or representation which is untrue in any particular, he shall be liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding twelve months.

AN ACT FURTHER TO AMEND CHAPTER 75 OF
THE CONSOLIDATED STATUTES OF NEW-
FOUNDLAND (THIRD SERIES) ENTITLED "OF
SUFFERERS FROM MARINE DISASTERS."

[27th July, 1937]

SECTION 1.—Amendment of Section 3 of Chapter 75 of Consoli-
dated Statutes (3rd Series).

*Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:* A.D. 1937.

1. Section 3 of Chapter 75 of the Consolidated Statutes of Newfoundland (Third Series) entitled "Of Sufferers from Marine Disasters", is hereby amended by adding at the end thereof the words "and payment of the sum granted may be made in a lump sum or by instalments as the Governor in Commission or such body or society may from time to time determine".

Amendment of
Section 3 of
Chapter 75 of
Consolidated
Statutes
(3rd Series).

AN ACT FOR GRANTING TO HIS MAJESTY A CERTAIN FURTHER SUM OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[30th August, 1937]

SECTION 1.—Supplementary Supply 1936-1937.

MAY IT PLEASE YOUR MAJESTY:

WHEREAS the Act No. 7 of 1937 authorized the issue out of the Consolidated Revenue Fund of certain sums not exceeding \$1,292,257 (One million, two hundred and ninety-two thousand, two hundred and fifty-seven dollars) and the payment and application of such sums towards defraying the charges and expenses of the Public Service of Newfoundland as therein set out.

AND WHEREAS it appears that the sum hereinafter mentioned is further required to defray certain expenses of the Public Service of Newfoundland, temporarily authorized by the Governor in Commission by Special Warrant dated June 29th, 1937, and issued under Section 33 (1) (b) of Cap. 23 of the Consolidated Statutes (Third Series) as amended by the Act 23 & 24 Geo. V, Chapter 60 and by the Act No. 21 of 1935 entitled "Of the Auditing of Public Accounts", for the financial year ending the thirtieth day of June, One thousand nine hundred and thirty-seven, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

*That it may be enacted by the Governor, by and with the A.D. 1937.
advice of the Commission of Government, as follows:*

1. From and out of the Consolidated Revenue Fund there may be issued by the Commissioner for Finance and Controller of the Treasury a sum not exceeding \$43,500 (Forty-three thousand, five hundred dollars), and the said sum so issued shall be paid and applied by the Department of Finance towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act as from the first day of July one thousand nine hundred and thirty-six to the thirtieth day of June one thousand nine hundred and thirty-seven.

SCHEDULE

<i>Head of Expenditure</i>	<i>Department</i>	<i>Amount</i>
II	Finance	\$43,500

AN ACT FURTHER TO AMEND THE ST. JOHN'S
MUNICIPAL ACT 1921 AND THE ACTS IN
AMENDMENT THEREOF.

[20th November, 1937]

SECTION

1. Repeal and substitution Sections 82-3-4 of Principal Act: Assessments; payment of same; power to borrow.
2. Repeal and substitution Section 116: Tax when meter out of order.
3. Repeal and substitution Section 158: Rules and regulations.
4. Repeal and substitution Sections 219 to 222.
219. Ground Landlords' Tax.
220. (1) Definition of 'average value.'
(2) Stock Tax.
(3) Stock-in-trade to be included.
221. (1) Vacant Land Tax.
(2) How calculated.
5. Repeal and substitution Section 224: Reduction of City Tax when premises vacant.
6. Repeal and substitution of item (a) of Section 237: Taxes on Government property.
7. Repeal and substitution Section 238.
238. Council to make annual estimate of probable receipts.
8. Repeal and substitution Sections 239 to 245 inclusive.
239. (1) When taxes payable.
(2) Discount.
(3) Interest.
(4) Recovery of unpaid taxes, etc.

SECTION

240. Payment of taxes; how enforced.
241. (1) Power to waive or compromise arrears.
(2) Waiver or compromise only on unanimous vote of Council.
(3) Not to interfere with Municipal Arrears Commission.
242. (1) Municipal Arrears Commission.
(2) Report of Commission.
(3) Remuneration of Commission.
(4) Accounts of Commission.
9. Abolition of Poll Tax.
10. Amendment of Section 257: Tax on Hawkers.
11. Amendment of Section 265: Lien for taxes.
12. Repeal and substitution Section 276: Adjustment of City debt to Government.
13. Certain moneys to be paid by Government to Council.
14. Repeal and substitution Section 280: Coal duties and water rates.
15. Repeal and substitution Sections 283, 284, 285.
283. Estimates to be submitted to Government and published.
284. Audited statement to be submitted to Government.
285. Publication of annual statement.

SECTION

16. Repeal and substitution Section 366: Abatement of dangerous and insanitary conditions.
17. Amendment Sections 373-374.
18. Repeal and substitution Section 376: Fifty per cent repair deemed equivalent to new building.

SECTION

19. (1) Zoning by by-laws.
(2) Application of by-laws.
(3) Coming into force of by-laws.
(4) Application of by-laws outside city limits.
20. Amendment of Section 386: Entry on adjoining property to repair, etc.
21. Sinking fund.

*Be it enacted by the Governor, by and with the advice of A.D. 1937.
the Commission of Government, as follows:*

1. Sections 82, 83 and 84 of the St. John's Municipal Act, 1921, hereinafter called the Principal Act, as heretofore amended are hereby repealed and the following is substituted therefor:

82. (1) The sums assessed under sections 76, 78, 79, 130, 132 and 160 of this Act and any sums similarly assessed against the owners of property abutting on or adjacent to any street in respect of the cost of improvements effected in, on or about such street by the Council shall be repaid to the City in such instalments as will liquidate the cost of the improvements effected, together with interest thereon at a rate to be fixed by the Council, within a period not exceeding fifteen years or the term of the useful life of such improvements (whichever shall be the shorter) or within such lesser period as may be agreed upon between the Council and the owner.

- (2) Where the actual cost of such improvements has not been accurately determined by the Council, it may prescribe and make charges or assessments based on cost rates per running foot or per square foot for different classes or types of such works or improvements, provided that the

Repeal and
substitution
Sections 82-84
of Principal
Act: Assess-
ments;
payment of
same; power
to borrow.

City Engineer shall certify that in his opinion the rates so fixed do not exceed the actual cost per running or square foot of such works.

- (3) The money necessary to defray the cost of such improvements may be borrowed by the Council from a bank or banks or by the issue of notes or debentures and shall not be considered as part of the funded debt of the City.

**Repeal and
substitution
Section 116;
Tax when
meter out of
order**

2. Section 116 of the Principal Act is hereby repealed and the following substituted therefor:

116. If any such meter, in the opinion of the City Engineer, is out of order or if it is temporarily removed for repair or on account of frost or for other like cause, the Council shall determine the probable amount of water consumed and fix an adequate charge for the same.

**Repeal and
substitution
Section 158;
Rules and
regulations.**

3. Section 158 of the Principal Act, as heretofore amended, is hereby repealed, and the following is substituted therefor:—

158. The Council shall have power to **make rules and regulations—**

- (a) to compel and to govern the erection, location, maintenance and removal of wires, pipes, conduits or tubes upon, along, from and under the streets.
- (b) for the registration and licensing of persons engaged in the business of electric wiring and the manner in which electric wiring shall be done and the character of materials to be employed therein, and prescribing the fees to be paid for licenses.

- (c) to compel and to govern the removal of snow and ice from sidewalks, gutters, houses and yards.

4. Sections 219 to 222 inclusive of the Principal Act as heretofore amended are hereby repealed, and the following are substituted therefor:—

Repeal and
substitution
Sections 219-
222.

219. There shall be paid by every ground landlord an annual tax, to be known as the Ground Landlords' Tax and to be fixed and imposed by the Council, of a percentage on the gross annual ground rent payable to such landlord under any building lease of land within the City limits; and such landlord shall not have any recourse against the tenant for the recovery of such tax, any covenant clause or agreement in any lease or agreement for a lease made after the 13th day of May, A.D. 1887, to the contrary notwithstanding.

Ground
Landlords'
Tax.

220. (1) For the purposes of this section stock-in-trade shall be valued at the wholesale price which it would fetch if sold in open market in the city. The "average value" shall be the average of the values at the end of each calendar month during the calendar year preceding an appraisement, or during part of such calendar year in a case where premises have been occupied for less than a whole year, of all stock-in-trade kept in any shop, store, warehouse or factory within the limits of the City. Stock-in-trade shall include materials held for manufacture, or partly manufactured.

Definition of
"average
value."

(2) There shall be paid by the occupier of every such shop, store, warehouse or factory an annual tax of twenty-five cents per

Stock Tax.

\$100.00, to be known as the Stock Tax, on the average value of his stock-in-trade, and every such occupier is required to furnish to the appraisers upon application written information and evidence on oath as to the value of such stock-in-trade. The City Clerk may in his discretion waive the payment of the tax when the amount payable is less than twenty-five cents.

Stock-in-trade
to be included.

- (3) Stock-in-trade stored in a Government bond store or in a store or warehouse not in the sole occupancy of such occupier as aforesaid shall be included in the appraisal for the purposes of the stock tax.

Vacant Land
Tax.

221. (1) There shall be paid by the owners of all land within the City Limits upon which no buildings have been constructed or the buildings upon which are in the opinion of the Council unfit for occupation, an annual tax to be known as the Vacant Land Tax and to be fixed and imposed by the Council.

How calculated.

- (2) If water and sewerage pipes have been laid along such land at the expense of the city the Vacant Land Tax shall be a percentage on the estimated gross annual rental to be derived from letting the said land on building leases. In all other cases the said tax shall be a percentage on the annual rental value of the land for pasture or agricultural purposes.

Repeal and
substitution
Section 224.
Reduction of
City Tax
when premises
vacant.

5. Section 224 of the Principal Act as heretofore amended is hereby repealed, and the following is substituted therefor:---

224. If any property subject to City Tax is vacant in whole or in part the owner of the same

may obtain a reduction of the tax upon the following conditions:

- (a) The owner shall give or cause to be given to the City Clerk notice in writing that such vacancy has occurred, which notice shall be duly recorded in a book to be kept for that purpose, and no reduction shall be allowed in respect of any vacancy existing prior to the date of the receipt of such notice by the City Clerk.
- (b) Every claim for reduction of City Tax on account of vacancy shall be made during the financial half-year next following the commencement of the vacancy, and between the first day of January and the fifteenth day of March or the first day of July and the fifteenth day of September, as the case may be.
- (c) The person claiming such reduction shall produce evidence to the satisfaction of the Council as to the duration and extent of the vacancy. If such evidence shows that the vacancy is still in existence at the time of making the claim it shall not be necessary for the claimant to give a fresh notice. If the foregoing conditions are complied with the owner shall be liable to City Tax at one-half only of the regular tax rate, such reduction to be in proportion to the duration and extent of the vacancy. Provided, however, that the failure of the owner to give or cause to be given the notice in writing hereinbefore mentioned, if proved to the satisfaction of the Council to be due to bona fide mistake, absence from the city, or other like cause, shall not preclude the

Council in its discretion from authorizing the City Clerk to make the reduction to which such owner would otherwise be entitled.

Repeal and substitution of item (a) of Section 237:
Taxes on Government property.

6. Subparagraph (a) of Section 237 of the Principal Act is hereby repealed and the following is substituted therefor:

- (a) Lands and buildings belonging to His Majesty used for Imperial or Colonial purposes, except that such Government buildings shall be subject to a charge for protection and ordinary water service of five per cent. upon the appraised annual rental value of such buildings. The Council shall not make any additional charge, based on meter readings or otherwise, for water consumed in Government buildings except for water consumed in excess of a reasonable quantity for the property in question, having regard to the quantities supplied without extra charge to occupiers of other similar property in the City.

Repeal and substitution Section 238.

7. Section 238 of the Principal Act is hereby repealed and the following is substituted therefor:—

Council to make annual estimate of probable receipts.

238. The Council, on or before the fifteenth day of December in each year shall estimate as correctly as may be the probable receipts from all sources of revenue other than the City Tax, Ground Landlords' Tax and Vacant Land Tax, and after deducting the amount so arrived at from the total estimated expenditure for the ensuing year, shall fix such a rate per cent for each of the said taxes as will in the aggregate produce the amount required.

8. Sections 239 to 245 inclusive of the Principal Act as heretofore amended are hereby repealed and the following are substituted therefor:—

Repeal and
substitution
Sections 239 to
245 inclusive.

239. (1) The City Tax, Ground Landlords' Tax, Vacant Land Tax and Stock Tax shall be due and payable half-yearly in advance on the first day of January and the first day of July in each year. The person or company liable for such payment is hereinafter called a taxpayer. **When taxes payable.**
- (2) A taxpayer paying any of the said taxes at the office of the City Clerk on or before the 31st day of January or the 31st day of July in the half-year period for which it is due shall be entitled to a discount on the amount of such half-yearly tax at a rate or rates to be fixed from time to time by the Council, but not in any event to exceed ten per cent. No discount shall be allowed to any taxpayer who is indebted to the Council for any arrears of the tax so paid. **Discount.**
- (3) If the aforesaid taxes are unpaid on the 15th day of March or the 15th day of September in the half-year period for which they are due they shall from such 15th day until paid be subject to simple interest at a rate or rates to be fixed from time to time by the Council, but not in any event to exceed seven per centum per annum. **Interest.**
- (4) The Council shall immediately after the 15th day of March and the 15th day of September in each year take proceedings to recover all amounts due for taxes, rents, assessments or license fees then owing and unpaid. **Recovery of unpaid taxes, etc.**

Payment of
taxes:
how enforced

240. (1) For the purpose of enforcing payment of the said amounts it shall be lawful for the City Clerk to issue warrants of distress, and seize and sell any goods or chattels of the person or company by whom such amounts shall be due. The power to enforce payment by distress in this section granted shall not prevent the City Clerk from proceeding at law by action or otherwise for the recovery of the said amounts or any of them, and it shall be lawful for him to distrain and to sue at the same time for the same amount.
- (2) The bailiff or collector to whom such warrant is directed shall forthwith execute the same as thereby commanded.
- (3) The property distrained under such warrant may be removed to any place for safe-keeping, or impounded on the premises.
- (4) If the distress is sold for more than the amount due the City, together with the charges of taking, keeping and sale, the surplus shall be returned to the owner, together with an account in writing of the sale and charges.
- (5) The bailiff or collector shall make a return to the City Clerk of property distrained under the warrant within the time therein limited.
- (6) The said warrant of distress shall be issued under the hand of the City Clerk, and directed to his bailiff or collector, and made returnable in such time as he shall direct, and shall be in the form in Schedule B to this Act with such variations as circumstances may require.

241. (1) Whenever the Council is satisfied that a debtor to the city for arrears of taxes or assessments is able and willing to pay off such arrears in full upon obtaining a waiver or compromise of the amount due by him for arrears of interest thereon and that it is for the benefit of the City to abate such interest, the Council shall have power to make such waiver or compromise and write off the balance of such interest from its books. Power to waive or compromise arrears of interest.
- (2) No such waiver or compromise shall be made unless by the unanimous vote of the Council and with the approval of the Auditor General. Waiver or compromise only on unanimous vote of Council.
- (3) Nothing in this section contained shall interfere with the powers and duties of the Municipal Arrears Commission created by Section 242 of this Act. Not to interfere with Municipal Arrears Commission.
242. (1) There shall be a Municipal Arrears Commission consisting of three persons appointed by the Governor in Commission who shall take office on the first day of May, 1938, and who shall take control of the collection of all arrears of taxes, miscellaneous revenue and assessments for improvements or other work done by the Council, not being assessments recoverable over a period of years still unexpired, including interest charged on such arrears, due upon the thirty-first day of December, 1937 which may remain unpaid upon the day of the appointment of the said Commission. It shall be the duty of the said Commission to collect such arrears and to take any proceedings in any court that may be necessary for the collection of the Municipal Arrears Commission.

same; and it shall be lawful for the said Commission to sue for and obtain judgment for the said arrears in the name of the said Commission, and to proceed to execution for the purpose of collecting the same, or to compromise and arrange for the payment of such arrears, and to annul and write off from the books of the Council any such arrears as to them shall seem impossible of collection; and it shall be the duty of the said Commission to collect, compromise or write off all such arrears on or before the 31st day of December, 1939. It shall be lawful for the said Commission to examine witnesses under oath for the purpose of carrying out the provisions of this section; and any member of the Commission may administer such oath. It shall be the duty of the appraisers and of every member, officer and employee of the Council to give to the Commission all such information and explanations and access to all such records, books, accounts and vouchers as the Commission may require for the purposes of its duties hereunder.

**Report of
Commission.**

- (2) The said Commission shall make a report in writing to the Council on the 31st day of December 1938, the 30th day of June 1939 and the 31st day of December 1939, showing what action has been taken and what arrangements have been made in connection with the collection of such arrears. Such report shall include the names of the persons or bodies liable for arrears, in respect of whom arrears have been annulled and written off or from whom a reduced amount has been accepted by way of compromise,

showing the amount annulled and written off or the reduction in each case and the reasons for such actions in each case. Copies of each such report shall be sent to the Commissioner for Home Affairs and Education and to the Auditor General.

- (3) The members of the said Commission shall receive for their services out of the funds of the City such remuneration as may be determined by the Governor in Commission. No payment in respect of the cost of collection shall be made to a member of the said Commission or to his partner in business or to an employee of the Council, except with the prior approval of the Governor in Commission. **Remuneration of Commission**

- (4) The said Commission shall keep proper accounts of its receipts and expenses of collection, which accounts shall be subject to audit by the Auditor General. **Accounts of Commission**

9. (1) Sections 249, 250, 251 and 252 of the Principal Act are hereby repealed: **Abolition of Poll Tax**

- (2) Section 8 (b) of the Principal Act is hereby amended by striking out therefrom the words "or who are liable for the poll tax."

- (3) Section 253 of the Principal Act is hereby amended by striking out therefrom the words "or to his liability to the poll tax, whether as to his age, length of residence in the City, non-liability to the City Tax or otherwise."

10. Section 257 of the Principal Act is hereby amended by striking out the words "Peddler and Hawker, \$10.00" and substituting therefor the words "Peddler and **Amendment of Section 257: Tax on Hawkers.**

"Hawker, such sum not exceeding \$10.00 as the Council
 "may from time to time fix either generally or in respect
 "of different goods or classes of goods offered for sale."

Amendment of
 Section 265:

Lien for taxes.

11. Section 265 of the Principal Act as amended by
 Section 21 of the Act 22 Geo. V. Cap. 9 is hereby further
 amended by adding thereto a sub-section (f) as follows:—

- (f) For the purpose of enforcing the lien or charge
 in favour of the City given by sub-sections
 (a) and (d) of this section the City shall be
 entitled to proceed by foreclosure in the same
 manner as if the City held a mortgage on the
 property to which such lien or charge attaches,
 ranking in priority to all other encumbrances
 on the said property, whether registered or
 unregistered. The provisions of this sub-section
 shall apply to all liens or charges whether al-
 ready in existence or hereafter coming into
 existence.

Repeal and
 substitution
 Section 276:
 Adjustment of
 City debt to
 Government.

12. Section 276 of the Principal Act is hereby repeal-
 ed and the following is substituted therefor:—

276. The City in its corporate capacity shall be held
 to be chargeable with a portion of the Consoli-
 dated Public Debt of the Colony amounting to
 the sum of one million dollars with interest at
 the rate of three per centum per annum and
 with all such further sums and the interest
 thereon as may hereafter be raised from time
 to time on the credit of the Colony for and on
 account of the City.

Certain moneys
 to be paid by
 Government to
 Council.

13. The following is enacted to stand as a new sec-
 tion 279 of the Principal Act:

279. There shall be paid to the Council annually by
 the Commissioner for Finance from the funds

of the Colony a sum of twenty thousand dollars in substitution for (a) motor car fees and (b) a grant-in-aid for the upkeep of Bowring Park, formerly received by the Council.

14. Section 280 of the principal Act is hereby repealed and the following substituted therefor: Repeal and substitution
Section 280:
Coal duties and
water rates.

280. There shall be paid by the Commissioner for Finance to the Council every month such sums as are payable under the Revenue Acts in respect of coals imported into St. John's less rebates and drawbacks upon the same; and the water rates upon shipping as hereinbefore specified.

15. Sections 283, 284 and 285 of the Principal Act are hereby repealed and the following substituted therefor: Repeal and
substitution
Sections 283,
284, 285.

283. On or before January 31st of each year the Council shall revise the estimates prepared in accordance with Section 238 of this Act and present the same to the Governor in Commission, and shall publish the same in two City daily newspapers. Estimates to be
submitted to
Government
and published.

284. The Council shall, not later than the 30th day of April in each year, present to the Governor in Commission an audited statement of all moneys received and expended during the year ending on the 31st day of December then last past, and shall when required furnish details of such statement to the Governor in Commission. Audited
statement to be
submitted to
Government.

285. The Council shall also publish the said statement in two City daily newspapers. Publication of
annual
statement.

Repeal and
substitution
Section 366:
Abatement of
dangerous and
insanitary
conditions.

16. Section 366 of the Principal Act is hereby repealed, and the following is substituted therefor:—

366. Whenever in the opinion of the City Medical Officer any building or any trade or occupation, matter or thing, in or about a building or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation ~~or~~ such building is in a condition ~~or has an~~ effect dangerous or detrimental to life or health, the said Officer may declare that the same, to the extent he may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified as the order shall specify. In addition to the above powers the said Officer may also order or cause any building, sewer, plumbing, pipe, passage, premises, grounds, matter or thing, in or about a building or the lot on which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired or improved. If any order of the said Officer issued under the authority of the provisions of this Act is not complied with, or not so far complied with as he may regard as reasonable, within five days after the service thereof, or within such shorter time as he may designate, then such order shall be executed by said City Medical Officer through his officers, agents, employees or contractors, and the cost of the same shall be paid by the owner of such building, who shall also be liable to a penalty of five dollars for every day during which he has neglected or refused to obey such order.

Provided, however, that where the making of such order is consequent upon the act, neglect, default or sufferance of the occupier of such

premises the owner shall in the absence of agreement to the contrary have the right to claim over against such occupier for all expenses and penalties incurred by him by reason of such order.

17. Sections 373 and 374 of the Principal Act as heretofore amended are amended by striking out therefrom the words "damaged by fire, decay or otherwise to the extent of one-half of their value" and substituting therefor the words "depreciated in value to the extent specified in section 376 of this Act."

Amendment
Sections 373-
374.

18. Section 376 of the principal Act is hereby repealed, and the following is substituted therefor.

Repeal and
substitution
Section 376:
Fifty per cent.
repair deemed
equivalent to
new building.

376. Whenever the alteration or repair of any building shall require an expenditure equal to fifty per cent. of the cost of erecting a new building of the same character and dimensions such cost being calculated without including the cost of constructing cellars or chimneys, such alteration or repair shall be subject to the regulations governing the construction of new buildings.

19. (1) The Council shall have power by by-law to prohibit the use of land or the erection or use of buildings within any defined area or areas or abutting on any highway or part of a highway except for such purpose as may be set out in the by-law.

Zoning by
by-laws.

(2) No by-law passed under this section shall apply to any land or building which on the day the by-law is passed is erected or used for any purpose prohibited by the by-law so long as it continues to be used for that purpose, nor shall it apply to any building the plans for which have been approved by the City Engineer

Application
of by-laws.

prior to the date of the passing of the by-law, while it is used for the purpose for which it was erected.

Coming
into force
of by-laws

- (3) No by-law passed under this section shall come into force or be repealed or amended unless at least four of the six Councillors shall vote in favour of the resolution.

Application
of by-laws.
outside city
limits.

- (4) A by-law passed under this section may be framed so as to apply to areas and highways within one mile outside the City limits in any direction as well as to areas and highways within the said limits.

Amendment of
Section 386:
Entry on
adjoining
property to
repair, etc.

20. Section 386 of the Principal Act is hereby amended by renumbering the present section as 386(a) and adding thereto the following as sub-section (b) thereof:

- (b) When the owner or tenant of any building is unable to alter, repair or maintain such building without entering upon adjoining property, he may in case of inability to agree with the owner or tenant of such adjoining property on terms of permission for such entry apply to the Council, which shall summon the parties to appear, and may, after hearing such of them as may attend upon such summons, direct that the first-named party shall be at liberty to enter upon such adjoining property to such extent as may be reasonably necessary for the purpose of carrying out the proposed work; provided that before making such entry he shall give security to the satisfaction of the Council in such amount as the Council shall deem just for the expense of making good any damage which may accrue to such adjoining property in the course of carrying out such proposed work. Any person resisting or attempting to resist the carrying

out of such work pursuant to such direction shall be guilty of an offence under this Act.

21. The Council shall have power to enter into an **Sinking fund.** agreement with the Governor in Commission (1) for the establishment of a sinking fund for the repayment of all or any existing loans guaranteed or purporting to be guaranteed by the Governor in Council and of any loan or loans which may hereafter be obtained by the Council with the approval of the Governor in Commission, and (2) for the creation of a first charge for the service of such sinking fund upon the coal duties and water rates payable to the Council under Section 280 of the Principal Act as amended by Section 14 of this Act.

AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND
FREDERICK S. LAWRENCE.

[20th November, 1937]

SECTION

- 1.—Confirmation of agree-
ment.
- 2.—Power to grant licenses
to graze reindeer.
- 3.—Rights of free importa-
tion.
- 4.—Export duties on reindeer
and reindeer products.
- 5.—Right to operate tele-

SECTION

- phones, telegraphs and
wireless apparatus.
- 6.—Reindeer to be deemed
domestic animals.
- 7.—Licensee shall incorporate
company and assign there-
to.
- 8.—Short title.
Schedule.

A.D. 1937.

*Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:*

Confirmation
of agreement.

1. The Agreement made between His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Governor and Commander in Chief in and over the Island of Newfoundland and its Dependencies in Commission (hereinafter in this Act called "the Government") of the one part, and Frederick S. Lawrence, Esquire, (hereinafter in this Act called "the Licensee" which expression shall include his assigns) of the other part, dated the 29th day of October, A.D. 1937, and forming the Schedule to this Act, is hereby approved, confirmed and adopted and all and singular the several clauses and provisions thereof are hereby declared to be valid and binding upon the said parties thereto and each of them respectively and to have the force and effect of law, and all and singular the several acts, matters and things therein provided to be done or performed by or on the part of the parties respectively are hereby declared to be proper and lawful, and the parties and each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters and things in and by the said agreement provided to be done or not to be done, as the case may be in the manner and with the effect and under the conditions stipulated and provided in the said agreement.

2. (1) The Governor in Commission shall have power to grant a licence or licences to the said Frederick S. Lawrence or his assigns to have and enjoy for a term not exceeding ninety-nine years from the first day of January A.D. 1938 the exclusive right to graze reindeer in and upon areas in Labrador not exceeding a total of three million acres to be selected in accordance with the provisions of the agreement forming the Schedule hereto, and shall further have power to demise and lease to the Lessee or his assigns by way of exclusive possession such lands as the Government may deem to be reasonably necessary for buildings, corrals and yards and for wharves, piers and warehouses for the purposes of the business of the licensee in breeding, keeping, shipping and marketing reindeer and the carcasses or parts thereof, which demises or leases shall be for a term or terms coterminous with the licences of grazing rights hereinbefore mentioned.

Power to grant
licenses to
graze reindeer.

- (2) Such licenses shall not be deemed to give the licensee exclusive possession so as to prevent any reasonable use by the public of the areas in respect of which licenses are granted; provided that the Government may if necessary make such provision by legislation or otherwise as may be necessary to prevent undue disturbance of the herds of reindeer.

3. The licensee or his assigns shall have the right to import into Labrador free of duty:

Rights of free
importation.

- (1) Live reindeer;
- (2) Any timber or lumber used for constructing pens for reindeer on ships conveying reindeer to Labrador;
- (3) Dogs imported into Labrador for use in connec-

tion with the enterprise of the licensee or his assigns;

- (4) All personal effects and household articles, tents, skis, snow shoes, guns, sledges and gear, the property of persons of Lapp race brought to Labrador by the said licensee or his assigns to act as herders or keepers of reindeer;

Provided that if any article imported free of duty under this section other than live reindeer shall be sold, given or otherwise transferred to any person not entitled under this section to import the same free of duty, it shall be the duty of the vendor, donor or transferor and of the licensee or his assigns to notify the Secretary for Customs forthwith of such sale, gift or transfer and to pay such duties and import taxes, if any, as would be payable on such article by the vendee, donee or transferee under the Customs and Revenue Acts in force at the time of such sale, gift or transfer, upon the basis of the value for duty of such article at the time of such sale, gift or transfer.

Export duties
on reindeer
and reindeer
products.

4. There shall be levied, collected and paid upon all reindeer and reindeer products exported from Newfoundland or Labrador the following export duties:

- (a) From the 1st day of January 1953 to the 31st day of December, 1962, both included, upon every live reindeer exported from Newfoundland or Labrador the sum of fifty cents, and upon every pound avoirdupois net weight of reindeer products exported one-third of one cent.
- (b) From the 1st day of January, 1963 to the 31st day of December, 1968, both included, on every live reindeer exported from Newfoundland or Labrador the sum of seventy-five cents and upon every pound avoirdupois net weight of reindeer products exported the sum of one-half cent.
- (c) For the purpose of this clause, the phrase

“reindeer products” shall mean parts of reindeer and any article prepared from or produced by reindeer.

5. Subject to such terms and conditions as may be imposed by the Government, the licensee may at any time build, maintain and operate such telephone and telegraph lines and operate such wireless apparatus as may be necessary for purposes of inter-communication between the several parts or branches of its enterprise in Labrador; provided that nothing herein shall entitle the licensee to establish telegraph, telephone or wireless communication with points outside Labrador. The licensee may also construct, maintain and operate such power transmission lines as may be necessary for the purposes of its business in Labrador. The licensee shall not be liable to pay any tax upon telephones operated for the purpose of connecting its business premises, but shall pay such tax as may from time to time be imposed on telephones operated for the use of the public or any member thereof.

Right to operate telephones, telegraphs and wireless apparatus.

6. Reindeer while in the possession or control of the licensee or his assigns shall be deemed to be domestic animals and shall not be the subject of regulations under the Game and Inland Fisheries Acts from time to time in force.

Reindeer to be deemed domestic animals.

7. The licensee shall within four months from the first day of January, A.D. 1938, incorporate a limited liability company under the laws of Newfoundland having a nominal capital of at least three hundred thousand dollars and a paid up cash capital of at least fifty thousand dollars and shall assign to such company all the rights, privileges, duties and obligations set forth in the agreement forming the Schedule hereto; and all the provisions of this Act and of the said agreement shall thereafter apply to and bind the said company in the same manner as they apply to and bind the licensee.

Licensee shall incorporate company and assign thereto.

8. This Act may be cited as the Reindeer Agreement Short title, 1937.

Schedule.

SCHEDULE

THIS AGREEMENT made at St. John's in the Island of Newfoundland this twenty-ninth day of October Anno Domini One thousand nine hundred and thirty-seven BETWEEN His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part AND Frederick S. Lawrence at present of the Explorers' Club, 10 West 72nd Street, New York, in the State of New York, in the United States of America, (hereinafter called "the Licensee") of the other part

(Sgd.) Humphrey Walwyn,
Governor.

(Sgd.) L. E. Emerson,
Attorney General.

WITNESSETH AS FOLLOWS:—

1. The Government hereby agrees to license to the licensee for a term of ninety-nine years from the first day of January A.D. 1938 and for the purposes hereinafter set forth and subject to the terms and conditions hereinafter contained the exclusive grazing rights over one million acres of land to be selected and defined, situate on Labrador and being within the following boundaries, that is to say: Commencing at Holton on the eastern coast of Labrador and running thence north-westerly along the said coast

line to a point where Big Brook meets the said coast line running thence southwardly along Big Brook to the southernmost part of its headwaters and thence south to the westernmost part of Double-Mer and thence along the northern side of Double-Mer and Hamilton Inlet to Holton.

2. The licensee shall import to Labrador within one year from the first day of January, A.D. 1938, one thousand reindeer and shall have on the said area hereinbefore referred to at least five thousand reindeer within five years from the said date which number of five thousand reindeer shall include any animals imported and any natural increase; Provided always that in the event of the licensee being unable to import one thousand reindeer within the first year by reason of any act of God or vis major the licensee shall import at least one thousand reindeer within two years from the said first day of January, A.D. 1938; Provided further that should reindeer die by reason of disease or by reason of any other unavoidable causes and the licensee be unable because thereof within the said period of five years to have on the said area five thousand reindeer the Government shall grant to the licensee reasonable extensions of time therefor.

3. The licensee shall import or shall have on the said area at least fifteen thousand reindeer within fifteen years from the first day of January, A.D., 1938.

4. At any time within fifteen years from the first day of January, A.D., 1938, provided that the number of reindeer on the land to be selected under clause 1 hereof shall be not less than fifteen thousand the Government shall license to the licensee exclusive grazing rights over a further area of one million acres within the boundaries set forth in clause 5 hereof; and at any time within forty-five years from the first day of January A.D. 1938 provided that the number of reindeer on the first two million acres of grazing land selected shall not be less than thirty thousand the Government shall license to the licensee exclusive

grazing rights over a third area of one million acres within the boundaries set forth in clause 5 hereof; Provided that the licensee shall at all times after forty-five years from the date hereof have and maintain on the said areas of three million acres a total of not less than thirty thousand reindeer; and if at any time the number of reindeer shall fall below thirty thousand the Government may from time to time withdraw its licences in respect of parts of the grazing areas bearing the same proportion to three million acres as the deficiency of reindeer bears from time to time to the number of thirty thousand.

5. The second and third one million acre lots shall be selected from an area adjoining and being to the westward of the boundaries of the area described in clause one hereof and bounded and described as follows, that is to say: On the east by a line commencing at a point where Big Brook flows into the Atlantic Ocean and running thence southerly along Big Brook to the southernmost part of its headwaters and thence south to the westernmost part of Double-Mer, on the north by the coastline running from a point where Big Brook flows into the Atlantic ocean to longitude 61° , on the south by a line running west from the westernmost part of Double-Mer to longitude 61° and on the west by longitude 61° .

6. The licensee shall select and apply for the one million acres referred to in clause 1 herof within two years from the first day of January, A.D. 1938, and shall select the second and third areas of one million acres hereinbefore referred to prior to the respective applications therefor.

7. All licences of grazing rights licensed or agreed to be licensed by these presents shall run for a term of ninety-nine years to be computed as beginning from the first day of January A.D. 1938 and shall be subject to all the clauses and conditions herein contained, and such licences shall not be deemed to give the licensee exclusive possession so as to prevent any reasonable use by the

public of the said areas; provided that the Government will, if necessary, make such provision by legislation or otherwise as may be necessary to prevent undue disturbance of the herds of reindeer.

8. The licensee shall during the term of this agreement pay to the Government in consideration of the grazing rights hereby licensed the sum of one dollar (\$1.00) for each area of one million acres the grazing rights wherein shall be licensed under these presents, payments to be made on the second day of January in each year for the term of these presents.

9. There shall be charged and imposed on all reindeer and reindeer products exported from Newfoundland or Labrador the following export duties:

- (1) From the 1st day of January, 1953 to the 31st day of December 1962, on every live reindeer exported the sum of fifty cents and on every pound net weight of reindeer products exported the sum of one-third of one cent;
- (2) from the first day of January, 1963 to the 31st day of December 1968, on every live reindeer exported the sum of seventy-five cents and on every pound net weight of reindeer products exported the sum of one-half cent.
- (3) For the purposes of this clause, the phrase "reindeer products" shall mean parts of reindeer and any article prepared from or produced by reindeer.

10. The licensee may from time to time with the consent of the Commissioner for Natural Resources cut and take away free of charge from any ungranted Crown lands in Labrador such timber as may be necessary for the con-

struction of any buildings, fences, corrals, wharves, piers, warehouses and other structures necessary for the licensee's enterprise of breeding, keeping, preparing and marketing reindeer and the products thereof, and as may be necessary for ordinary domestic purposes.

11. The Government will from time to time, upon the request in writing of the licensee, demise to the licensee such pieces or parcels of land within the grazing areas hereinbefore mentioned as may be reasonably necessary for buildings, yards or corrals or for wharves, piers, warehouses or other storage and shipping facilities on the sea coast for the purposes of the licensee's enterprise hereinbefore mentioned; such demise shall be for a term or terms coterminous with the terms of the licences of grazing rights hereinbefore mentioned.

12. Subject to such terms and conditions as may be imposed by the Government, the licensee may at any time or times build, maintain and operate such telephone and telegraph lines and operate such wireless apparatus as may be necessary for purposes of inter-communication between the several parts or branches of its enterprise in Labrador; provided that nothing herein shall entitle the licensee to establish telegraph, telephone or wireless communication with points outside Labrador. The licensee may also construct, maintain and operate such power transmission lines as may be necessary for the purposes of its business in Labrador. The licensee shall not be liable to pay any tax upon telephones operated for the purpose of connecting his business premises, but shall pay upon telephones operated for the use of the public or any member thereof such tax as may from time to time be payable by law.

13. Subject to such terms and conditions as may be imposed by the Government the licensee may at any time construct and maintain water and sewerage service in and upon any of the said areas for or in connection with the dwellings of persons employed by him and the Government

shall subject to existing rights of third parties grant such rights and concessions as to it may seem reasonably necessary therefor.

14. The licensee shall be exempted from the payment of any Customs duty on reindeer brought to Labrador under and by virtue of these presents.

15. The licensee shall notify the Government at least one month before the arrival of any shipment of reindeer at Labrador and the said notice shall contain the probable date of arrival and the port of call and the Government shall provide at Cartwright or vicinity a properly authorized official who shall at the cost and expense of the licensee proceed to the said port of call and he shall give such entrance and clearance papers to the said ship as may be by law required and the same shall be deemed to satisfy all requirements of the Customs Act as to ports of entry and clearing therefrom. The licensee shall comply with such further provisions as to notice of time and place of arrival as may be made in that behalf by the Board of Customs.

16. At any time within fifteen years from the date of these presents, but not thereafter, the licensee may with the previous concurrence of the Commissioner for Natural Resources and subject to such terms and conditions as to their employment as the said Commissioner may impose, bring persons of the Lapp race to Labrador for the purpose of herding and caring for reindeer; provided that—

- (a) a sum be first deposited with the Government sufficient in the opinion of the Government to cover the cost of the repatriation of such persons of Lapp race, together with their children;
- (b) an undertaking be obtained from the Government of the territory to which such Lapp per-

sons belong that they or any of them and their children, if any, born in Newfoundland territory will be re-admitted to their territory of origin when the licensee or the Government desires to return them; and that such undertaking in original be deposited with the Secretary for Customs.

17. All timber or lumber used for pens of the animals on ships conveying the reindeer to Labrador shall be admitted free of duty.

18. All dogs imported by the licensee into Labrador and used in connection with the said enterprise shall be admitted free of duty.

19. All personal effects and household goods, tents, skis, snow shoes, guns, sledges and gear the personal property of persons of Lapp race brought in under clause 16 of this agreement shall be admitted into Labrador free of duty; provided that if any article imported free of duty under this clause shall be sold, given or otherwise transferred to any person not entitled under this clause to import the same free of duty, it shall be the duty of the vendor, donor or transferor and of the licensee to notify the Secretary for Customs forthwith of such sale, gift or transfer and to pay such duties and taxes, if any, as would be payable on such article by such vendee, donee or transferee under the Customs and Revenue Acts in force at the time of such sale, gift or transfer, upon the basis of the value for duty of such article at the time of such sale, gift or transfer.

20. The Government may provide police for the policing of the areas selected by the licensee and subject to the approval of the Government the licensee may at his own cost appoint persons whose duty it shall be to assist the said police whenever called upon to do so.

21. Reindeer while in the possession or control of the licensee or his assigns shall be deemed to be domestic animals and shall not be the subject of regulations under the Game and Inland Fisheries Acts from time to time in force.

22. No employee of the licensee not being a native of and resident in Newfoundland or Labrador and no employee of Lapp race shall trap, kill or take any fur bearing animal or trade, barter, sell or otherwise dispose of the furs or skins of any fur bearing animals while in the employ of the licensee, and if any such employee shall be guilty of a breach of the above prohibition the licensee shall be bound at the request of the Government to dismiss such employee permanently from his service.

23. Any licence of grazing rights under this agreement shall be subject to existing mineral, timber, surface or water power rights existing in any person and shall not prevent the Government from making any future grant, lease or licence of mineral, timber or water power rights or from making small grants or leases of surface rights for residence, agriculture industry or like purposes; provided that if the area available for grazing be substantially diminished thereby, the Government will licence to the licensee by way of compensation equivalent additional grazing areas elsewhere if available.

24. The licensee shall at all times during the currency of these presents furnish to the Government such information as the Government may require of him for the purpose of determining the number of reindeer from time to time upon the area over which the licensee has been granted grazing rights, and the Government shall have the right to inspect and take extracts from the books or records of the licensee for the purpose of verifying such information; and the licensee shall keep in Newfoundland or Labrador such books and records as are necessary for the said purpose.

25. The licensee undertakes to incorporate a limited liability company under the laws of Newfoundland having a nominal capital of at least three hundred thousand dollars and a paid up cash capital of at least fifty thousand dollars within four months from the first day of January, A.D. 1938, and to assign to such company all the rights, privileges, duties and obligations hereby granted to or imposed upon the licensee.

26. The licensee may on the termination of any lease made to him under clause 11 of this agreement and provided no money is at that time owed by the licensee to the Government, remove within twelve months from the land demised any buildings, structures, machinery or other fixed property brought by him upon such lands.

27. The Government may determine these presents and all rights and privileges of the licensee hereunder shall cease: (a) if the payment provided for in clause 8 hereof shall be in arrear for a period of three months after the second day of January in any year: (b) if any of the conditions imposed upon the licensee shall be broken or not performed; (c) if the limited liability company to which these presents shall be assigned shall not be incorporated and shall not have proved to the satisfaction of the Government that it has a paid-up cash capital of fifty thousand dollars by the last day of April, A.D. 1938; (d) if the said limited liability company shall cease to carry on business. Such determination by the Government shall become effective within two months from the date of delivery by the Government of notice in writing to the licensee: Notice to the licensee shall be deemed to have been delivered two weeks after the same has been left at the office of Messrs. Gibbs & Gibbs, Solicitors for the licensee in St. John's, or in case of notice to the limited liability company within two weeks after the same has been delivered at the registered office of the company in Newfoundland.

IN WITNESS WHEREOF His Excellency
the Governor in Commission has caused
the Great Seal of the Island of Newfound-
land to be set hereunto and has signed
these presents and the licensee has here-
unto subscribed and set his hand and
seal the day and year first before written.

By His Excellency's Command,

(Sgd.) J. A. WINTER,
Commissioner for Home Affairs and Education.

Signed, sealed and delivered by
the licensee in the presence
of:

(Sgd.) JAMES A. GIBBS.

(Sgd.) FREDERICK S. LAWRENCE.
(L.S.)

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AN ACT TO AMEND THE JUDICATURE ACT.

[7th December, 1937]

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(4) Trustee to make
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7. Amendment of Section
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- (4) Directions of court as
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2. Meetings of committee.
3. Quorum of committee.
4. Resignation of member of committee.
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7. Procedure to fill vacancy on committee.
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SECTION

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11. Procedure of meetings.
12. Chairman.
13. Adjournment.
14. Quorum.
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17. Creditor must prove debt before entitled to vote.
18. Votes of secured creditors.
19. Vote of chairman.
20. Vote of trustee.
21. Vote of corporation.
22. Proof of debt.
23. Telegrams and cables as interim proof.
24. Provisional voting subject to objection.
25. Proxy.
26. Form of proxy.
27. Method of calculating votes of creditors.

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Fees.

*Be it enacted by the Governor, by and with the advice of A.D. 1937.
the Commission of Government, as follows:*

1. Section 228 of the Judicature Act is hereby re-
pealed and the following is substituted therefor:

Repeal and sub-
stitution
Section 228.

228. The trustee or trustees shall be changed or removed by the court or judge at the instance of a majority in number and value of the creditors and such person or persons appointed in his or their place as the said majority may recommend; and may also be removed for any sufficient cause appearing to the court or judge, and the court or judge upon any appointment of a trustee or trustees, either original or substituted, shall require such trustee or trustees, before entering upon his or their duties as such, to give

Change or
removal of
trustee;
security by
trustee.

security for the proper performance of same, in such amount and such manner as the court or judge shall prescribe, and the costs of such security shall be borne by the estate.

Committee of inspection.

2. Where a person has been declared insolvent the court or judge may at the request of creditors, appoint a committee of inspection in relation to the affairs of the estate of the debtor. The said committee shall have the right to require information from the trustee or the debtor or to examine into all books, accounts, documents, etc., in relation to the estate, from time to time and to bring any matters before the creditors or the court as they may deem necessary or advisable.

Repeal and substitution
Section 229;

3. Section 229 of the said Act is hereby repealed and the following is substituted therefor:

Remuneration
of trustees.

229. On the passing of final accounts, but not before, except by order of the court, the trustee or trustees shall be entitled to such compensation, at the rates set forth in Schedule B hereto, on the realized value of assets, over and above the actual and reasonable expenses and disbursements, as the court or a judge may allow, and the court or judge may further apportion such compensation amongst the trustees in such way as may appear just and proper according to the labour bestowed or responsibility incurred by them respectively.

Accounts of
trustee, etc.

4. (1) Every trustee of an insolvent estate shall at such time as the court or a judge may prescribe, but not less than once in every six months during his tenure of office, file in the Registry an account verified by affidavit of his receipts and payments as such trustee. The court or judge may, on the application of any interested party, refer the accounts to the Mas-

ter for enquiry and report, and for such purpose the trustee shall furnish the Master with such books and accounts, vouchers and information as may be required. The cost of such reference shall be in the discretion of the court or judge. Unless an extension of time is applied for by the trustee or by any interested party and granted by the court or judge, every insolvent estate shall be wound up and distributed within one year from the date of the appointment of the trustee or trustees,

- (2) Every trustee shall keep proper books of account in which he shall from time to time cause to be made entries of such matters as may be necessary for proper record and any creditor of the estate may, on application to the court or judge, personally or by his agent, inspect any such books. Trustee to keep proper books.
- (3) Every trustee of an insolvent estate shall pay Trustee moneys all money received by him into the Newfoundland Savings Bank or any branch in Newfoundland of a chartered bank to a special account to be opened in the matter of the winding up of the said estate.

5. Where a declaration of insolvency is made against a debtor, the court, on the application of the trustee, may from time to time order that for such time, not exceeding three months, as the court thinks fit, post letters, post packets and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction, shall, be re-directed, sent or delivered by the Secretary for Posts and Telegraphs or the officer acting under him, or by the various telegraph and cable systems, government and other, operating in Newfoundland, or by the operators thereof to the trustee, and the same shall be done accordingly. Re-direction of mail matter and telegrams. Service of a copy of the said order on

the Secretary for Posts and Telegraphs and the managers or superintendents of the various telegraph and cable systems operating in Newfoundland shall be deemed sufficient notice of said order.

Repeal and
substitution
Section 231:

6. Section 231 of the said Act is hereby repealed and the following substituted therefor:

Information to
be given by
insolvent.

231 (1) Where a declaration of insolvency is made, the insolvent debtor shall make out and submit to the trustee a statement of and in relation to his affairs within the time prescribed by the court or required by the trustee, verified by affidavit and showing the particulars of the insolvent's assets and liabilities, the names, addresses and occupations of his creditors, the securities, if any, held by them respectively, the dates when such securities were respectively given and such further or other information as may be prescribed by the court or required by the trustee.

Verification by
trustee.

(2) It shall be the duty of the trustee to verify the insolvent debtor's statement of affairs and to make an inventory of his assets and to present them to the creditors at the first meeting thereof.

Examination of
insolvent by
trustee.

(3) The insolvent debtor shall, when so required and at the time and place appointed by the trustee, present himself before the trustee who shall examine him as to the cause of his insolvency and the disposition of his assets.

Trustee to
make notes of
examination.

(4) It shall be the duty of the trustee to make notes of such examination and to communicate them to the creditors at their first meeting.

- (5) The trustee shall upon performance of the ^{Meetings of} several acts provided for hereinbefore, ^{creditors.} convene the first meeting of creditors and any other meetings required by the creditors for consideration of reports and of the affairs of the insolvent debtor generally, and for further examination of the insolvent debtor.

- (6) The insolvent debtor shall ^{Duties of}
^{insolvent.}
- (a) give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively;
 - (b) submit to such examination in respect of his property or his creditors;
 - (c) attend such meetings of his creditors;
 - (d) wait at such times on the trustee;
 - (e) execute such powers of attorney, conveyances, deeds and instruments; and
 - (f) generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors;

as may be reasonably required by the trustee or may be prescribed or may be directed by the court by any special order or orders made in reference to any particular case or made on the occasion of any special application by the trustee or any creditor or person interested.

Failure of insolvent to perform duties contempt of court.

- (7) If an insolvent debtor wilfully fails to perform any of the duties imposed on him under this section or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act and which is for the time being in his possession or under his control to the trustee, or to any person authorized by the court or by the trustee to take possession of it, he shall in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly.

Amendment of Section 232. Filing of report on affairs and conduct.

7. Section 232 of the said Act is hereby amended by inserting the following after the words "grant such certificate": "Provided that before such application is granted, the court or judge may require the trustee to file a report in the Registry as to the affairs of the insolvent and the conduct of his business and as to the manner in which he has performed the several duties required of him and of any irregularity on the part of the insolvent debtor which has come to the notice of the trustee; and"

Notice of declaration of insolvency, etc., to be published.

8. (1) Unless the court or judge otherwise orders, a notice of the Declaration of Insolvency and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making of such order, be published in the Newfoundland Gazette by the trustee, and not less than six days prior to said meeting shall be published in a local newspaper.

Date of first meeting of creditors.

- (2) (a) Such first meeting shall be called for a date not later than twenty-one days after the publication of such notice.

Proof of debts.

- (b) The trustee shall in such notice call for proof of debts, give directions as to the

manner in which proof is to be made and instructions that the creditor is not entitled to vote at meetings or rank for dividend until his debt is proved.

- (3) The trustee may at any time call a meeting of creditors and he shall do so whenever requested in writing by one-tenth in number of the known creditors holding one-tenth in value of the known claims or by the committee of inspection. Meetings of creditors called by trustee.

- (4) The court may, as to all matters relating to the insolvency have regard to the wishes of the creditors, and may, if it thinks it expedient, direct meetings of the creditors to be summoned, held and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court. Directions of court as to meetings.

- (5) The provisions of Schedule B to the Judicature Act as added by this Act shall, subject to such modifications as may be made therein from time to time by rules of court made pursuant to Section 277 of the Judicature Act, apply to all meetings of creditors provided for in this Act. Schedule B.

9. (1) Where any person has been declared insolvent, the husband or wife of such person, except as a secured creditor whose security has been registered in the Registry of Deeds at least twelve months prior to the issue of the petition for insolvency, shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by such husband Claims of husband or wife

or wife to the insolvent, or claim any wages, salary or compensation for work done or services rendered until all claims of the other creditors shall have been satisfied.

**Claims of
relatives.**

- (2) Where any person has been declared insolvent, any father, son, daughter, mother, brother, sister, uncle, aunt, nephew, niece or adopted child of such person shall not be entitled to claim by way of dividend or otherwise from the trustee any wages, salary or compensation for work done or services rendered, to said person or firm exceeding an amount equal to three months' wages, salary or compensation, until all claims of the other creditors of said person shall have been satisfied.

**Amendment of
Section 240.**

10. Section 240 of the said Act is hereby amended by striking out the words "or after an arrangement has been acted upon by the court or judge in manner aforesaid" and inserting in lieu thereof the words "or after any arrangement by liquidation or for a composition has been sanctioned by the court or judge in manner hereinafter provided" and by inserting the words "shall not have been" between the word "distrained" and the word "lawfully."

**Repeal and
substitution
Section 259;
arrangement
between debtor
and all
creditors.**

11. Section 259 of the said Act is hereby repealed and the following substituted therefor:

259. At any time after a petition has been filed, praying for a declaration of insolvency and before the estate of any insolvent has been distributed, the court or a judge may, on proof to its or his satisfaction that either before or since the filing of such petition an arrangement by liquidation or composition has been entered into by the debtor and all of his creditors,

make an order dissolving the proceedings in insolvency.

12. Section 260 of the said Act is hereby repealed and the following is substituted therefor:

Repeal and substitution
Section 260.

260 (1) At any time after a petition has been filed praying for a declaration of insolvency, and before the estate of any insolvent has been distributed, the court or a judge may, on proof to its or his satisfaction that either before or since the filing of such petition an arrangement by liquidation or for a composition has been entered into by the debtor and two-thirds in number and value of his creditors in Newfoundland and two-thirds of his creditors elsewhere, or three-fourths of the whole of such creditors in number and value, and after examination of the debtor and on hearing any creditor who desires to oppose the proposed arrangement, make an order sanctioning the said arrangement and dissolving the proceedings in insolvency or staying such proceedings and the realization of the estate of the debtor, either altogether or for a limited time, on such terms and subject to such conditions as the court or judge may think fit or from time to time determine, and the court or judge may, at the request of creditors, appoint a committee of inspection in relation to the affairs of the estate of the debtor and such committee shall be appointed and proceed and have the same powers as a committee of inspection appointed where a person has been declared insolvent as hereinbefore provided for; and all creditors shall be bound thereby.

Arrangement between debtor and specified majority of creditors; court may sanction same after hearing.

(2) In such cases the court or judge may make an order appointing a time and place for the public

Order for hearing.

examination of the debtor and for the hearing of opposing creditor or creditors and providing for proof of debts to be filed in the Registry. Such order shall be published in the Newfoundland Gazette and one other newspaper in St. John's at least one week before the hearing.

Effect of
sanction by
court.

- (3) If sanctioned by the court such arrangement shall be binding on all creditors so far as it relates to any debt or liability due to them from the debtor and provable under this Act, but not as regards any debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in insolvency.

Arrangement
not binding
unless
sanctioned.

- (4) No arrangement other than one entered into by all the creditors shall be binding on any creditor unless sanctioned by the court in manner hereinbefore appearing.

Release of
trustee.

- (5) Under the provisions of the foregoing subsections, the trustee in insolvency may be relieved in whole or in part, altogether or temporarily, from his place and responsibility, and it may be part of the terms and conditions aforesaid that the person or persons to manage and supervise the estate of the debtor and the debtor himself shall be liable to the order and direction of the court or judge during the period of the arrangement or otherwise as the case may be.

Amendment of
Section 261.

13. Section 261 of the said Act is hereby amended by striking out the word and figures "Section 259" and substituting therefor the word and figures "Section 260" and also by striking out the words "to refuse to act upon any arrangement as aforesaid" and substituting therefor

the words "to refuse to sanction any arrangement as aforesaid" and by striking out the words "or to act upon such arrangement" and substituting therefor "or to sanction such arrangement."

14. Section 262 of the said Act is hereby amended by striking out the word and figures "Sections 259" and inserting in lieu thereof the word and figures "Sections 260." Amendment of
Section 262.

15. Section 263 of the said Act is hereby repealed and the following substituted therefor: Repeal and
substitution
Section 263.

263 (1) The provisions of an arrangement may be enforced by the court or a judge on application by any person interested. Court may
enforce pro-
visions of
arrangement.

(2) If a default is made in payment of any instalment due in pursuance of any arrangement, or if it appears to the court on satisfactory evidence, that the arrangement, cannot, for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the court was obtained by fraud, the court may, if it thinks fit, on application by the trustee or by any creditor, make a declaration of insolvency against the debtor and annul the arrangement. Cases in which
court may
annul arrange-
ment and make
declaration of
insolvency.

(3) Such adjudication shall be made without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the arrangement. Previous sale
or payment not
invalid.

16. Section 265 of the said Act is hereby amended by striking out the word and figures "Section 259" and inserting in lieu thereof the word and figures "Section 260" and by striking out the words "and such shall be Amendment of
Section 265.

the mode of calculation for any votes or consents of creditors that may become necessary under any order of the court or judge under this part of the Chapter” and substituting therefor the following “the mode of calculation for any votes or consents of creditors that may become necessary under any order of the court or judge under this part of the Chapter shall be that provided for in clause 27 of Schedule B of this Act.”

Amendment of
Section 268.

17. Section 268 of the said Act is hereby amended:

- (1) by inserting after the words “any person declared insolvent” the words “or who has entered into an arrangement with his creditors”;
- (2) in sub-section (1) by inserting after the words “if when insolvent” the words “or before or at the time of or after entering into an arrangement with his creditors”;
- (3) in sub-section (2) by inserting after the word ‘affairs’ the words “not kept proper books of accounts”.

Non-keeping
of books an
offence.

18. A person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and the financial position of his trade or business from day to day.

Addition of
Schedules B
and C to the
Judicature Act.

19. The following shall be added to the said Act as Schedules B and C:—

SCHEDULE B.

Mode of
selection of
committee.

1. A committee of inspection appointed in pursuance of this Act shall consist of creditors or persons holding general powers of attorney from creditors.

2. The committee of inspection shall meet at such Meetings of times as they from time to time appoint, and failing such committee. appointment, the trustee or any member of the committee may call a meeting of the committee as and when he thinks necessary.

3. The committee may act by a majority of their Quorum of members present at a meeting, but shall not act unless a committee. majority of the committee are present at a meeting.

4. Any member of the committee may resign his Resignation of office by notice in writing signed by him and filed in the member of Registry, a copy of which notice must be sent by him to committee. the trustee within twenty-four hours of such filing, or, if there be no trustee, or if the trustee be not available, then to the other member or members of the committee.

5. If a member of the committee become insolvent Vacation of or compounds or arranges with his creditors, or is absent office of from five consecutive meetings of the committee, without member of the leave of the other member or members of the committee, his office shall thereupon become vacant and it shall be the duty of the other member or members of the committee in any such event to record same by a certificate to that effect which shall be filed in the Registry. committee.

6. Any member or members of the committee may be Removal of removed by an ordinary resolution at any meeting of member of creditors of which seven days' notice has been given committee. stating the object of the meeting, upon such resolution being confirmed by the court or a judge.

7. On a vacancy occurring in the office of a member Procedure to of the committee, the trustee or trustees or the other fill vacancy on member or members of the committee shall forthwith committee. summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may by resolution recom-

mend the appointment of a creditor to fill the vacancy, and the court or a judge may make such appointment upon application.

Continuing members to act.

8. The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body.

Method of calling meetings.

9. Meetings of creditors other than the first thereof shall be called by mailing or otherwise giving notice of the time and place thereof to each creditor at the address given in his proof of claim.

Notice of subsequent meeting, to whom sent.

10. After the first meeting the trustee shall not be under obligation to give notice of any meeting to any creditors other than those who have proved their debts.

Procedure at meetings.

11. The trustee or his nominee shall be the chairman at the first meeting of creditors.

Chairman.

12. At all other meetings the chairman shall be such person as the meeting by resolution appoints.

Adjournment.

13. The chairman of any meeting may with the consent of the meeting adjourn the same from time to time and place to place.

Quorum.

14. A meeting shall not be competent to act for any purpose except the election of a chairman and the adjournment of the meeting, unless there are present or represented at least three creditors or all the creditors if their number does not exceed three.

Adjournment for want of quorum.

15. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being

less than seven nor more than twenty-one days from the day of the adjourned meeting.

16. The chairman shall cause minutes of the proceedings at the meetings to be drawn up and fairly entered in a book kept for that purpose, and the minutes when confirmed by the next ensuing meeting, shall be signed by him or by the chairman of the next meeting at which such confirmation is made. ^{Minutes of meetings.}

17. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in insolvency and the proof has been duly lodged with the trustee before the time appointed for the meeting. ^{Creditor must prove debt before entitled to vote.}

18. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. ^{Votes of secured creditors.}

19. The chairman, if a creditor or a proxy for a creditor, may vote as a creditor at any meeting of creditors, and, in addition, in case of a tie, shall have the casting vote. ^{Vote of chairman.}

20. The vote of the trustee, or of his partner, clerk, solicitor, or solicitor's clerk, either as creditor, or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution effecting the remuneration or conduct of the trustee. ^{Vote of trustee.}

21. A corporation may vote at meetings of creditors by an authorized agent. ^{Vote of corporation.}

22. The chairman of the meetings shall have power to admit or reject a proof for the purpose of voting. ^{Proof of debt.}

Telegrams
and cables as
interim proof.

23. The chairman may, for the same purpose, accept telegraphic or cable communications as interim proof of the debt of a creditor and likewise as to the authority of anyone claiming to represent and vote on behalf of such a creditor.

Provisional
voting subject
to objection.

24. If the chairman is in doubt whether the proof of a creditor should be admitted or rejected he may mark the proof as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Proxy.

25. A creditor may vote either in person or by proxy deposited with the trustee at or before the meeting at which it is to be used.

Form of proxy.

26. A proxy shall not be invalid merely because it is in the form of a letter, telegram or cable.

Method of
calculating
votes of
creditors.

27. Except as herein otherwise provided all questions at meetings of creditors shall be decided by resolution carried by the majority of votes and for such purposes the votes of creditors shall be calculated as follows:—

For every claim up to and not exceeding \$200....1 vote

For every claim of over \$200 and not exceeding
\$5002 votes

For every claim of over \$500 and not exceeding
\$10003 votes

For every claim of over \$10003 votes
and one vote for each additional \$1,000 or fraction
thereof.

SCHEDULE C.**FEEs PAYABLE TO TRUSTEES IN
INSOLVENCY, ETC.**

In cases of insolvency the trustee shall be entitled to Fees, compensation at the rates following, that is to say:

Where assets	Percentage on amount realized	Percentage on amount distributed
do not exceed \$2,500	15%	10%
exceed \$2,500 but do not exceed \$5,000....	10%	10%
exceed \$5,000 but do not exceed \$10,000 ..	7½%	5%
exceed \$10,000 but do not exceed \$15,000..	5%	5%
exceed \$15,000 but do not exceed \$20,000..	5%	4%
exceed \$20,000 but do not exceed \$25,000..	4%	2½%
exceed \$25,000 but do not exceed \$50,000...	3%	2½%
exceed \$50,000 but do not exceed \$125,000.	2½%	2%
exceed \$125,000	2%	2%

Trustees under Deeds of Assignment shall be entitled to compensation:

Upon estates realising \$1,000 or under.....	\$100.00
Upon next \$1,000	9%
Upon next \$1,000	8%
Upon next \$1,000	7%
Upon next \$1,000	6%
Upon next \$2,500	5%
Upon next \$2,500	4½%
Upon next \$5,000	4¼%
Upon next \$10,000	4%

and out of pocket expenses,

Trustees under Deeds of Arrangement shall receive:

Upon any composition under \$1000	\$75.00
Upon the next \$1,000	6%
Upon the next \$1,000	5%
Upon the next \$1,000	4½%
Upon the next \$1,000	4%
Upon the next \$2,500	3%
Upon the next \$7,500	2½%
Upon the next \$10,000	2%

and out of pocket expenses.

AN ACT TO VEST CERTAIN LANDS AND OTHER
PROPERTY IN THE RAILWAY EMPLOYEES'
WELFARE ASSOCIATION, LIMITED.

[26th November, 1937]

SECTION

1.—Vesting of certain property in Railway Employees' Welfare Association Ltd.

SECTION

2.—Vesting of certain lands in Railway Employees' Association Ltd.

WHEREAS in the year 1927 an association known as The Railway Employees' Welfare Association was formed for the purpose of promoting the welfare of the employees of the Newfoundland Railway:

AND WHEREAS in the year 1934 the said Railway Employees' Welfare Association in furtherance of its objects established a Building Fund and acquired or attempted to acquire by purchase certain lands on which houses were erected for housing members of the said Association, but by inadvertence title to the said lands was taken in the name of "The Railway Employees' Welfare Association Incorporated" and "The Railway Employees' Welfare Association," neither of which bodies was in fact incorporated:

AND WHEREAS on the eleventh day of August, 1936, the said Railway Employees' Welfare Association registered a Society under the Industrial and Provident Societies Act 1919 and Acts in amendment thereof, by the name of the Railway Employees' Welfare Association Limited, and it is desirable that the said lands and other assets of the unincorporated association be legally vested in the registered Society:

*Be it therefore enacted by the Governor, by and with A.D. 1937.
the advice of the Commission of Government, as follows:*

Vesting of
certain prop-
erty in
Railway
Employees'
Welfare Associ-
ation Ltd

1. All lands and all other property including all interests and rights therein, thereto and thereout, as well as all things in action and rights of all kinds, which may have belonged or which may now belong to the unincorporated body known as The Railway Employees' Welfare Association shall be deemed to have vested in the said Railway Employees' Welfare Association, Limited, as from the date of its registration as a society as aforesaid, and shall continue to belong to the Society as so registered for the same estate and interest and to the same extent as the same were vested in and belonged to the said unincorporated body prior to such registration, but subject always to such duties, liabilities and obligations as might have been enforced against the said unincorporated body or the members thereof as such in respect of matters occurring prior to such registration: provided, however, that no such duty, liability or obligation shall be enforceable otherwise than against the assets of the Society as distinguished from those of its individual members.

Vesting of
certain lands in
Railway
Employees'
Welfare Associ-
ation Ltd.

2. In particular

- (a) The right and title of Edith S. Bremner and Frederick R. Emerson, executors of the will of May Bremner deceased, and of any person claiming through said executors or said deceased in and to certain lands described in a deed of conveyance purporting to convey the same to the Railway Employees' Welfare Association. Incorporated (incorrectly described in the said deed as a company incorporated under the laws of Newfoundland), which deed is dated the (blank) day of August Anno Domini One thousand nine hundred and thirty-four and registered in Volume 130, folios 448 to 449 of the Registry of Deeds for Newfoundland; and

- (b) The right and title of Maud Dryer of St. John's and of any person claiming through her in and to certain lands described in a deed of conveyance purporting to convey the same to the Railway Employees' Welfare Association Incorporated (the same not being an incorporated body) which deed is dated the ninth day of October One thousand nine hundred and thirty-four and registered in Volume 130, Folios 562 to 563 of the Registry of Deeds for Newfoundland; and
- (c) The right and title of Gertrude McCarthy of St. John's, married woman, administratrix of the estate of Matthew N. Kent late of St. John's, Grocer, and of any person claiming through her or through the said Matthew N. Kent, in and to certain lands described in a deed of conveyance purporting to convey the same to the Railway Employees' Welfare Association (in the said deed incorrectly called an association duly registered under the Companies' Act), which deed is dated the nineteenth day of April, One thousand nine hundred and thirty-four and registered in Volume 129, Folios 82 and 83 of the Registry of Deeds for Newfoundland.

are hereby declared to be and are and shall be vested in the Railway Employees' Welfare Association Limited, and shall be deemed to have been so vested as from the date of the registration of the said Railway Employees' Welfare Association Limited.

AN ACT TO CONFIRM AND GUARANTEE A CERTAIN LOAN BY THE NEWFOUNDLAND SAVINGS BANK TO THE RAILWAY EMPLOYEES' WELFARE ASSOCIATION.

[16th December, 1937]

SECTION

1.—Loan deemed to have been made to Railway Employees' Welfare Association by Newfoundland Savings Bank.

SECTION

2.—Repayment of loan.
3.—Interest on loan.
4.—Guarantee of loan by Governor in Commission.

WHEREAS on sundry dates between the 7th day of September, A.D. 1934 and the 21st day of December, A.D. 1934, the Newfoundland Savings Bank advanced on loan to the Railway Employees' Welfare Association, an organization existing in connection with the Newfoundland Railway and then unincorporated, certain sums of money in total exceeding one hundred thousand dollars for the purpose inter alia of purchasing certain lands and erecting thereon houses to be let or sold to persons employed by the Newfoundland Railway;

AND WHEREAS the said Railway Employees' Welfare Association did on the 12th day of August 1936 register under the Industrial Societies Act 1919, an industrial society called the Railway Employees' Welfare Association Limited;

AND WHEREAS before the date of the passing of this Act part of the above mentioned loans have been paid off leaving a balance of eighty-four thousand eight hundred dollars now outstanding and due to the Newfoundland Savings Bank;

AND WHEREAS all the assets, liabilities and undertaking of the unincorporated Railway Employees' Welfare Association have been transferred to and vested in the

Railway Employees' Welfare Association Limited, which undertakes the repayment of the outstanding balance of the said loan, and the payment of interest thereon;

AND WHEREAS doubts have arisen concerning the power of the Newfoundland Savings Bank to make the loan in the first instance;

AND WHEREAS the Governor in Commission has agreed to guarantee the repayment of the said loan to the Newfoundland Savings Bank;

*Be it therefore enacted by the Governor, by and with A.D. 1937.
the advice of the Commission of Government, as follows:*

1. The Newfoundland Savings Bank shall be deemed to have had the power to lend and to have lent to the Railway Employees' Welfare Association the sums of money hereinbefore referred to, anything in any Act relating to the Newfoundland Savings Bank to the contrary notwithstanding. Loan deemed to have been made to Railway Employees' Association by Nfld. Savings Bank

2. The Railway Employees' Welfare Association Limited, an industrial society registered under the Industrial Societies Act 1919, shall as successor to the said Railway Employees' Welfare Association be deemed to owe to the Newfoundland Savings Bank the sum of eighty-four thousand eight hundred dollars which shall be repayable by equal monthly payments of not less than one thousand five hundred dollars each on the 31st day of January A.D. 1938, and on the last day of each month thereafter until the said loan shall have been paid in full. Repayment of loan.

3. In addition to the foregoing principal repayments the Railway Employees' Welfare Association Limited shall on the 31st day of January, A.D. 1938 and on the said monthly days thereafter pay to the Newfoundland Savings Bank interest at the rate of four per centum per annum Interest on loan.

upon the said loan or such part of it as may from time to time remain outstanding.

Guarantee of
loan by
Governor in
Commission

4. The Governor in Commission shall have power to guarantee and shall in writing guarantee to the Newfoundland Savings Bank the payment of the monthly principal sums and of the interest aforesaid, and if the Railway Employees' Welfare Association Limited shall fail to pay any of the said sums or any interest forthwith upon the same becoming due, the Governor in Commission shall cause the same to be paid to the Newfoundland Savings Bank out of the Consolidated Revenue Fund and shall be entitled to claim over against the Railway Employees' Welfare Association Limited for any moneys so paid on its behalf

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1935.

[26th November, 1937]

SECTION

1.—Crude Petroleum and Fuel
Oil; duty on.

SECTION

2.—Date of coming into ef-
fect.

*Be it enacted by the Governor, by and with the advice of A.D. 1937.
the Commission of Government, as follows:*

1. Schedule A to the Act No. 42 of 1934 entitled *Crude
“The Revenue Act, 1935”* is hereby amended by striking *Petroleum
and Fuel Oil,*
out Item 229 and substituting therefor the following: *duty on.*

<i>Item</i>	<i>Class or</i>	<i>Rates of Duty.</i>
<i>No.</i>	<i>Description of Goods</i>	<i>Full. Pref.</i>

229	Crude Petroleum and Fuel Oil, per gal.	\$0.01 \$0.01
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2. The amendment made by this Act shall be deemed *Date of*
to have come into effect at midnight on the 27th day of *coming into*
June, A.D. 1937. *effect.*

AN ACT FURTHER TO AMEND THE ST. JOHN'S
MUNICIPAL ACT, 1921.

[2nd December, 1937]

SECTION 1.—Amendment Section 20 St. John's Municipal Act,
1921; qualification for nomination as Councillor.

A.D. 1937. *Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:*

Amendment
Section 20 St.
John's Muni-
cipal Act,
1921; qualifi-
cation for
nomination as
Councillor.

1. Section 20 of the St. John's Municipal Act, 1921, is
hereby amended by striking out therefrom paragraphs (b)
and (c) thereof and substituting the following:

- (b) Has resided within the City or within one mile
outside the City limits for at least one year im-
mediately preceding nomination; and
 - (c) Is qualified to vote under Section 8, Section 10
or Section 11 of this Act.
-

AN ACT TO AUTHORIZE THE UNDERTAKING OF
INSURANCE FOR THE PURPOSE OF MAIN-
TAINING THE CODFISH TRADE WITH ITALY.

[16th December, 1937]

SECTION

- 1.—Power to insure shipments of fish against certain abnormal risks.
- 2.—Disposition of premiums; payment of expenses and losses.
- 3.—Rate of premiums.

SECTION

- 4.—Only codfish sold outright to be insured.
- 5.—Insurance not to exceed 80% of value.
- 6.—Time limit.
- 7.—Regulations.
- 8.—Date of coming into effect.

*Be it enacted by the Governor, by and with the advice of A.D. 1937,
the Commission of Government, as follows:*

1. For the purpose of maintaining the codfish trade between Newfoundland and the Kingdom of Italy, the Commissioner for Natural Resources, hereinafter called the Commissioner, with the consent of the Commissioner for Finance, and after consultation with the Newfoundland Fisheries Board, may, where it appears to the Commissioner advisable so to do, insure or reinsure any shipper of salt codfish the product of Newfoundland in respect of any cargo or shipment of salt codfish exported from Newfoundland to the Kingdom of Italy against any risks of an abnormal or exceptional nature, insurance against which cannot in the opinion of the Commissioner be otherwise effected on reasonable terms, or at all, and may for that purpose fix and receive premiums and approve claims for payment: Provided that no insurance shall be undertaken by the Commissioner under this section—

Power to insure shipments of fish against certain abnormal risks.

- (i) So as to make the amount of insurance on any one cargo or shipment exceed the sum of \$125,000.00; or,

- (ii) So as to make the aggregate amount of liability outstanding at any one time exceed the sum of \$250,000.00.

Disposition of
premiums; pay-
ment of expen-
ses and losses.

2. (1) Any premiums received by the Commissioner in respect of insurance undertaken under this Act shall be paid into the Consolidated Revenue Fund.

- (2) Any expenses incurred by the Commissioner in connection with the business of insurance and any claims for losses made against the Commissioner by persons insured when the same shall have been approved by him shall be paid out of the Consolidated Revenue Fund.

Rate of
premiums.

3. The premium to be charged by the Commissioner for the insurance to be provided under this Act shall not be less than two per centum upon the amount insured.

Only codfish
sold outright
to be insured.

4. Insurance shall be taken only upon salt codfish which shall have been sold outright before shipment.

Insurance not
to exceed 80%
of value.

5. The Commissioner shall not insure any cargo or shipment beyond eighty per cent. of the invoice value thereof.

Time limit.

6. The Commissioner shall not insure under this Act any cargo or shipment which shall leave Newfoundland by a steamer scheduled to leave Newfoundland later than the 20th day of December 1937.

Regulations.

7. The Commissioner may make regulations governing the classes of fish which will be insured, the quantities of each class which may go forward in any cargo or shipment, the proof required by him of the compliance with any conditions laid down by this Act or by the regulations made thereunder, or of any other fact of which he requires proof. These regulations shall be published in the Newfoundland

Gazette and in such other newspapers as the Commissioner shall in his discretion decide. They shall come into effect immediately upon publication in the Newfoundland Gazette.

8. This Act shall be deemed to have had effect as from the 23rd day of October, 1937. ^{Date of coming into effect.}

AN ACT TO AUTHORISE THE ISSUE TO MINES
AND FORESTS (NEWFOUNDLAND) LIMITED
OF A LICENCE TO CUT TIMBER.

[18th December, 1937]

SECTION

1.—Licence to cut timber
may be issued to Mines
and Forests (Nfld.) Ltd.

SECTION

2.—Date as of which licence
deemed to have been is-
sued.

WHEREAS under the provisions of Chapter 129 of the Consolidated Statutes (Third Series) His Excellency the Governor in Council on the 6th day of August A.D. 1926 approved an application on behalf of Mines and Forests (Newfoundland) Limited for a licence of the right to cut timber over an area situated inland Hare Bay subject to the payment of a bonus of one thousand nine hundred and twenty dollars and an annual rental of twenty dollars, and to all the usual conditions contained in licences issued under the said Chapter.

AND WHEREAS the said bonus was duly paid and the said annual rental has been duly paid by Mines and Forests (Newfoundland) Limited up to the present time, and the said area was duly surveyed, but no licence has actually been issued in respect of the said area;

AND WHEREAS the said Chapter was repealed by the Crown Lands Act, 1930, and it is desirable that notwithstanding such repeal the Governor in Commission should be empowered to issue the said licence under the terms and conditions of the said Chapter;

A.D. 1937.

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Licence to cut
timber may be
issued to Mines
and Forests
(Nfld.) Ltd.

1. Notwithstanding the repeal of Chapter 129 of the Consolidated Statutes (Third Series) by the Crown Lands Act, 1930, the Governor in Commission is hereby authorised and empowered to issue to Mines and Forests (New-

foundland) Limited a licence under the provisions of the said Chapter of the right to cut timber over all that area of timber land situate inland Hare Bay, bounded and described as follows, that is to say: by a line commencing at the South East corner of Reid Lot No. 212 thence along the eastern boundary of said Reid Lot No. 212 North ten miles, thence East one mile more or less to West boundary of land licensed to R. B. Job, thence South ten miles to the North boundary of Reid Lot No. 213, thence West by North boundary of Reid Lot No. 213, one mile more or less to place of commencement and containing ten square miles more or less (bearings from true meridian).

2. Notwithstanding such repeal as aforesaid, the licence issued under this Act shall have effect as if it had been issued on the sixth day of August A.D. One thousand Nine hundred and twenty-six under the said Chapter and amending Acts and shall be dated as of that day.

Date as of which licence deemed to have been issued.

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